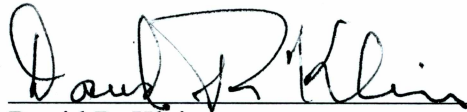


A COMPARATIVE ANALYSIS OF FISH AND WILDLIFE ENFORCEMENT IN  
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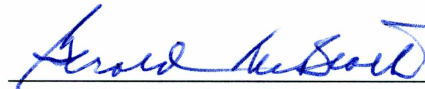
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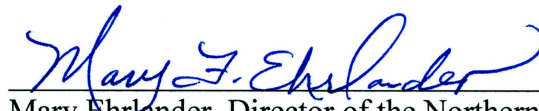
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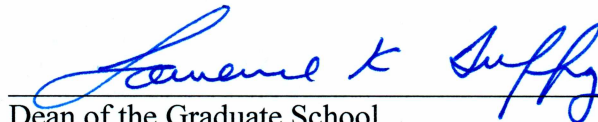


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A COMPARATIVE ANALYSIS OF FISH AND WILDLIFE ENFORCEMENT IN  
ALASKA FROM THE PASSAGE OF THE 1902 ALASKA GAME LAW TO 2011

A  
THESIS

Presented to the Faculty  
of the University of Alaska Fairbanks

in Partial Fulfillment of the Requirements  
for the degree of

MASTER OF ARTS

By

Kenneth J. Woldstad, BA

Fairbanks, Alaska

August 2011

### **Abstract**

This study examines the institutional evolution of wildlife enforcement in the context of Alaskan history and politics from 1902 to the present. Balancing competing demands for expertise in fish and wildlife matters on one hand, with a technical knowledge of law enforcement on the other, has long been the central institutional challenge facing those protecting Alaska's living resources. Following enactment of the first Alaska Game Law in 1902, responsibility for enforcement was initially left to already over-burdened law enforcement officials, with ultimate authority remaining under the U.S. Agriculture Department. Passage of the 1925 "Alaska Game Law" and establishment of the Alaska Game Commission saw the creation of professional wardens. Following statehood the Department of Fish and Game assumed the enforcement responsibility from 1960 to 1972, until Governor William Egan shifted the protection personnel to the Department of Public Safety (DPS), thereby transforming them into state troopers, although in a separate division. As a result of the transfer to DPS, conservation of fish and wildlife was in the hands of professional law enforcement. Many resource users opposed the transfer, certain that the emphasis on general law enforcement came at the expense of wildlife expertise, a tension that continues to persist today.

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### **Dedication**

This thesis is dedicated to my father, Fred M. Woldstad, and to all past, present, and future Alaska fish and wildlife law enforcement officers.



**Figure 1:** Fred M. Woldstad. Courtesy of author's personal archives.

## **Preface and Acknowledgements**

Several persons have remarked that my thesis has been a family affair. They were right in more ways than one. My thesis has been a very personal journey for me. I have been associated with fish and wildlife enforcement in Alaska practically my whole life and I have considered it my family for over 50 plus years. My father, Fred Woldstad was a fishery agent with the U.S. Fish and Wildlife Service in Bristol Bay during the 1950s. In 1960, my father went to work as a protection officer/boat officer for the newly formed Alaska Department of Fish and Game, Division of Protection. In 1980, the same year my father retired, I joined the department as a blue shirt (Alaska State Trooper), then in 1981 as a brown shirt (Fish and Wildlife Protection). I retired in 2004.

With encouragement from my wife Bonne' I went back to school after 30 years and obtained my third college degree from the University of Alaska Fairbanks in Paralegal Studies. It was during this time that I found the courage to dust off my 80 page practicum paper, "A Historical Narrative of Alaska's Fish and Wildlife Enforcement" (from statehood to 1978) which I had completed in 1978 for my Bachelors of Arts degree in Justice. I had interviewed several Fish and Wildlife Protection (FWP) officers and sent out over thirty questionnaires to FWP personnel back in 1977 - 1978 (this paper has been used as a reference throughout my thesis). I realized that a fully expanded version needed to be written before any more of us veteran brown shirts get any older, so our collective knowledge and experience can be passed onto present and future fish and wildlife law enforcement officers. I truly believe that it is important to preserve this history for everyone who has worked or will work in this field and for all Alaskans. There has not

been an analytical or a historical paper focused solely on Alaska fish and wildlife enforcement before or since my original paper in 1978.

I approached Judy Kleinfeld and Mary Ehrlander (Co-Directors) of Northern Studies at the University of Alaska Fairbanks (UAF) and with their gracious assistance and knowledge my thesis topic started to take shape. I further submitted an Institutional Review Board (IRB) application to Bridget Watson (Research Integrity Administrator, Office of Research Integrity at UAF). After a full review of my research methods and means, I received permission to conduct research and interviews under IRB protocol number 09-46. Jerry McBeath (Professor of Political Sciences), Terrence Cole (Professor of Alaska History) and David Klein (Professor of Arctic Biology) became members of my committee who indefatigably provided their extensive expertise and knowledge on this thesis. Each of my committee members challenged me to push beyond my intellect and comfort zone, in the process I have learned so much more than I can ever say and I am in their eternal debt.

I would like to express my heartfelt gratitude and admiration to the following persons who all graciously and without hesitation gave their valuable time and extensive knowledge on the enduring subject of fish and wildlife law enforcement: Fred (passed away October, 1986) and Barbara Woldstad, Buck and Charlene Stewart, Steve and Judy Reynolds, Don and Joan Tetzlaff, Dan and Mary France, Al and Jo Crane, Ray (passed away August, 2004) and Elsie Tremblay, David Klein, Art English, Gary Folgers, Al Cain, Dick Hemmen, Bill Martin, Joel Hard, Joe Masters, Jack Coghill, Terry Jordan, Rod Mills, Sandra Belcher, Hal Hume, Dick Burton, Steve Hall, Scott Quist, Lance

Dalhke, Steve Bear, Jim Low, G.W. Lister, Doug Lucyshyn, Dave Rippetto, and Marnee Beverage. I would like to especially recognize Buck Stewart, Steve Reynolds, Gary Folger, Don Tetzlaff, Joel Hard, and Joe Masters who generously provided complete access and frank sincerity on this subject.

Last but not least, I would like to thank my mom, Barbara Woldstad, and my immediate family, Bonné, Theresa and Fredrick, without whose unconditional love and untiring support I would have been unable to complete this thesis. This has truly been my most challenging endeavor to date, but it has also been the most rewarding.



**Abbreviation List**

AACOP	Alaska Association of Chiefs of Police
ABWE	Alaska Bureau of Wildlife Enforcement
ADF&G	Alaska Department of Fish and Game
ANILCA	Alaska National Interest Lands Conservation Act
ANCSA	Alaska Native Claims Settlement Act
AOC	Alaska Outdoor Council
APOA	Alaska Peace Officer Association
APSC	Alaska Police Standards Council
AS 16	Alaska Statutes - Title 16 (ADF&G laws)
AST	Alaska State Troopers (division of DPS)
ATV	All Terrain Vehicle
AWT	Alaska Wildlife Troopers (division of DPS, 2006-2011)
BLM	Bureau of Land Management
CFEC	Commercial Fisheries Entry Commission
CIB	Criminal Investigative Bureau
CITES	Convention on International Trade in Endangered Species
DEA	Drug Enforcement Agency
DPS	Department of Public Safety
EEZ	Exclusive Economic Zone (fisheries)
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigations

5AAC	Alaska Administrative Code (ADF&G regulations)
FLSA	Federal labor Standards Act
FWP	Fish and Wildlife Protection (division of DPS, 1972 - 2003)
FOAST	Fraternal Order of Alaska State Troopers
FTO	Field Training Officer
IGWM	International Game Warden Magazine
IRB	Institutional Review Board
JS	Judicial Services (AST)
NMF	U.S. National Marine Fisheries
NOAA	National Oceanic and Atmospheric Administration
OSP	Oregon State Police
PDO	Pacific Decadal Oscillation
PF	Permanent Fund
PSEA	Public Safety Employee Association (trooper union)
P/V	Patrol Vessel
POST	Police Officer Standards and Training Act
RIP	Retirement Incentive Program
TAPS	Trans Alaska Pipeline System
UAF	University of Alaska, Fairbanks
USFWS	U. S. Fish and Wildlife Service
USFS	U.S. Forest Service
WMI	Wildlife Management Institute

## Introduction

As a resource rich state, Alaska is highly dependent on its natural resources to provide economic stability. Although oil is currently the major funding source for state government, fish and wildlife has consistently been Alaska's most precious and enduring resources. The gold rush brought thousands of people into remote areas of Alaska looking for fortunes. To be able to survive these miners, like the people before them, subsisted on Alaska's fish and wildlife resources. As greater pressure was placed on the resources due to the increasing human population, the need to manage and protect fish and wildlife spawned the creation of wildlife law enforcement. In 1902, when Congress passed the first Alaska Game Law due to reports of rampant commercial and sport hunting for trophies, hides and meat, the real beginning of fish and wildlife enforcement in Alaska began.

This study examines the institutional evolution of wildlife enforcement in the broader context of Alaska history and politics. This is significant because as a 1977 study noted, "Wildlife (game and fish) law enforcement in the United States...is the oldest but least researched of wildlife management practices."<sup>1</sup> The first period covers the background of wildlife law enforcement up to the enactment of the first Alaska Game Law in 1902; the second covers the era from 1902 to statehood in 1959, with special attention to the game laws Congress passed in 1902, 1908 and 1925. After statehood, fish and wildlife enforcement in Alaska was transferred to the Alaska Department of Fish and

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<sup>1</sup> Kirk H. Beattie, Robert H. Giles Jr. and Cleveland J. Cowles, "Lack of Research in Wildlife Law Enforcement," *Wildlife Society Bulletin*, Vol. 5, No. 4 (Winter 1977), 170.

Game (ADF&G), Division of Protection. Protection officers worked side by side with fish and game biologists and often performed scientific-related field work.

In 1972, Governor William Egan transferred fish and game protection responsibilities to the Department of Public Safety (DPS).<sup>2</sup> The consensus within the Division of Protection at the time was that the law enforcement environment within the Department of Public Safety was more amiable than the Department of Fish and Game to the constitutional mandate of protecting Alaska's fish and wildlife resources.<sup>3</sup> The transfer from Fish and Game to Public Safety made Alaska one of only two states in the union—the other was Oregon—to place fish and game enforcement under the sole jurisdiction of the state police. As of this writing (2011) Alaska and Oregon are still the only states where enforcement of fish and wildlife laws are the responsibility of the state police organization.<sup>4</sup>

In the fishing and hunting community at the time, the shift from ADF&G to DPS was highly controversial; for many years there were regular petitions and calls for the move to be undone. However, despite the protests, the protection officers remained for more than three decades as a separate division under the Alaska Department of Public Safety. Even as a subset of the DPS, the fish and wildlife protection (FWP) officers retained their own sense of a unique mission, distinct from that of the troopers as a

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<sup>2</sup> Governor William A. Egan, "Administrative Order #16," State of Alaska, Office of the Governor (March 28, 1972), 1.

<sup>3</sup> Ken Woldstad, "A Historical Narrative of Alaska's Fish and Wildlife Enforcement," Justice Practicum Paper - 6 credits (Fairbanks: University of Alaska, 1978), 46 – 47.

<sup>4</sup> G.W. Lister (British Columbia conservation officer and author of "The Warden's Words" in *International Game Warden Magazine*), e-mail interview by author on March 5, 2010.

whole.<sup>5</sup> As Director of the Fish and Wildlife Division, Fred M. Woldstad argued, protection officers (who still wore their traditional brown uniforms and were known as the “brown shirts,” in contrast with the blue uniforms of the state police who were called “blue shirts”) had to wear many brown hats. “In addition to being a member of the overall police system,” Woldstad said, a brown shirt had to be:

A firearms instructor and expert, a teacher and lecturer to sports organizations and elementary classrooms, a competent outdoorsman, a mystic who had the instinct and exclusive knowledge of where the fish and game were hiding and perhaps more accurately, an adult version of an Eagle Scout.<sup>6</sup>

Naturally there were positive elements of having the brown shirts working more closely with the blue, but some old time game wardens were wary. Don Hastings, the long time editor and publisher of *International Game Warden Magazine* wrote in 1983, that he “cannot quarrel with their being in the Department of Public Safety. It has brought better working conditions, and a better pension plan. The joint use of facilities with the troopers has been beneficial. But it has not been without some drawbacks.” The most serious was the loss of a sense of mission and identity. Hastings wrote:

If I were a fish and wildlife officer in Alaska, I would be a little concerned as to the turn the division seems to be taking.... The

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<sup>5</sup> The term “officer” has been used throughout this paper for the sake of being consistent and to distinguish between the FWP officer/trooper and the traditional Alaska state trooper (AST).

<sup>6</sup> Fred Woldstad, “Law Enforcement is a Full-Time Profession” (This paper was written by Fred Woldstad while he was the director of the Division of Fish and Wildlife Protection, Alaska Department of Public Safety from 1975 – 1980, n.d.), 1.

changing, in the recent past, to the trooper designation and the change in hiring practice, has lost some of the wildlife officers identity. No longer can an aspiring wildlifer come into the organization in that position. He must come in as a trooper, be trained in that capacity, and work in that position. The time of his transfer from the road to the wilds is very uncertain. It may be enough to send a good prospect elsewhere. I am not sure why our profession has to be the one that is always diluted.... It seems a little unfair to our profession to force recruits into trooper blue, if they really want to be in warden brown....I... wonder if all blue shirts, in place of brown, may be not far off.<sup>7</sup>

Hastings's prediction about the continual erosion of the separate identity of fish and wildlife protection as a profession hits the bulls-eye. As a supposed economy measure, in 2003 Governor Frank Murkowski decided to fully integrate fish and wildlife protection officers into the Division of Alaska State Troopers (AST), establishing a new section called the Alaska Bureau of Wildlife Enforcement (ABWE). Now under the command of the AST, the ABWE officers were given all the duties of regular state troopers, in addition to their fish and wildlife enforcement responsibilities. Murkowski even eliminated the traditional brown uniforms of the fish and wildlife officers, and they became all but indistinguishable from all the "blue shirts" in the Alaska State Troopers. Brown shirts and the unique identity of the FWP officer became extinct.

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<sup>7</sup> Hastings, Donald and Pat Hastings, "Enforcement in the Last Frontier," in *International Game Warden Magazine* (Fall, 1984), 9.

The elimination of the “brown shirts” generated fierce protests from many Alaskans who claimed that under AST, the goals and missions of the wildlife officers necessarily took a back seat to other law enforcement responsibilities. As a result in 2006 the joint Alaska Boards of Fisheries and Game took an unprecedented stance by unanimously in a public resolution to Governor Frank Murkowski proclaiming that there is a:

Decreasing level and effectiveness of fish and wildlife enforcement in Alaska and insisting that DPS maximize its enforcement of fish and game regulations to the greatest extent possible in order to preserve and protect fish and game resources of the State of Alaska for public use and future generations...<sup>8</sup>

In response to these protests Governor Palin’s Administration subsequently reinstated fish and wildlife enforcement officers, renamed Alaska Wildlife Troopers (AWT), to full divisional status under DPS, though the uniforms of the “brown shirts” were not restored. This reorganization gave the director of AWT authority to specifically recruit troopers, however all recruits were still required to complete a full year of training with AST before joining AWT.<sup>9</sup> Only after completion of their probationary year do they receive some partial training in fish and wildlife enforcement.<sup>10</sup>

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<sup>8</sup> Alaska Board of Game (2006-163-BOG) and Fisheries (2006-247-FB) 2006 “A Resolution Regarding Declining Fish & Wildlife Enforcement in Alaska.” March 26, 2006.

<sup>9</sup> Gary Folger (director of the Division of Wildlife Troopers, Alaska Dept. of Public Safety), personal interview by the author in Anchorage on November 13, 2009.

<sup>10</sup> Alaska Dept. of Public Safety Training Academy, “Alaska Law Enforcement Training Syllabus - Alaska State Troopers, ALET #39,” September 18, 2008. Fish and wildlife enforcement instruction was very limited and was offered in some in-service trooper classes where other law enforcement curriculum was also taught.

## **Outline of Chapters**

The first chapter, “The Historical Perspective of Fish and Wildlife Enforcement” examines the theme and context of the paper. It also established an international, national and an Alaskan context for fish and wildlife law enforcement. Over the years there have been major changes to fish and wildlife enforcement in Alaska. How fish and wildlife enforcement has evolved in Alaska from the passage of the first Alaska Game Law in 1902 to the present will be examined by analyzing and comparing three distinct periods of time: the territorial days (1902 – 1959), the Department of Fish and Game days (1960 – 1972) and the Department of Public Safety days (1972 – 2011).

The second chapter, “The First Alaska Game Laws and Game Wardens,” examines the beginning of fish and wildlife enforcement in Alaska from the passage of the first Alaska Game law in 1902 to passage of the Statehood Act in 1959. These were turbulent times. The federal government owned 99 percent of Alaska and it managed all of the natural resources. Policies were created in Washington D.C. and outside interests often won out over Alaska interests.

There were three Alaska game acts passed by congress in 1902, 1908 and 1925. These three laws established the formal beginnings of fish and wildlife enforcement in Alaska which will be analyzed in detail. The Lacey Act of 1900, the first federal fish and wildlife law on the books was used as a blueprint for Alaska’s first game laws and will also be discussed in detail.

The third chapter, “The State Prepares to Take Charge,” covers the constitutional process and natural resource mandates, the regulatory process and some of the more



challenging issues affecting the enforcement and management of Alaska's fish and game resources.

In the fourth chapter, "The Division of Protection," follows the transition of fish and game protection from territorial days to ADF&G. After statehood, fish and wildlife enforcement in Alaska was transferred to ADF&G, Division of Protection. In this second period, protection officers were made peace officers with the authority to enforce Alaska fish and game laws. They worked side by side with fish and game biologists and frequently performed science related field work to assist the other divisions (commercial fish, sport fish and game) in their mandate: management of fish and game resources. On March 28, 1972, Governor William Egan transferred fish and game protection responsibilities to the Department of Public Safety. This was controversial and not everyone in the Departments of Fish and Game and Public Safety agreed with the transfer.

The fifth chapter, "The Brown Shirts turn Blue," covers the period when the Division of Protection transferred over to DPS from ADF&G and became the Division of Fish and Wildlife Protection (FWP). Protection officers became Alaska state troopers with full state trooper authority and responsibilities. Their constitutional mandate was to protect Alaska's fish and wildlife resources. Over time their duties became blurred because of their broad authority and responsibilities as state troopers. While in DPS there were explicit changes instituted by various governors to the way fish and wildlife enforcement was conducted in Alaska and those changes will be analyzed in detail.

The “conclusion” wraps-up how fish and wildlife enforcement evolved in Alaska. Fish and wildlife enforcement in Alaska has gone through numerous transitions through the years from the territorial days where Washington D.C. bureaucrats and outside interests made the policies to the present where fish and wildlife law enforcement is not necessarily the primary function. How have these factors affected the way fish and wildlife enforcement has developed in Alaska, and did those changes have an impact on Alaska’s fish and wildlife enforcement agencies will be analyzed.

## **Chapter 1: The Historical Perspective of Fish and Wildlife Enforcement**

### **Origins of Wildlife Management and Preservation**

The practice of wildlife management dates from the beginning of human history. Hunting laws began as tribal taboos, which arose in the early stages of social evolution, but the first written restriction on the use of wildlife is contained in Mosaic Law. In the Book of the Covenant, Moses decreed:

If a bird's nest chance to be before thee in the way, in any tree or on the ground, with young ones or eggs, and the dam sitting upon the young, or upon the eggs, thou shalt not take the dam with the young: thou shalt in any wise let the dam go, but the young thou mayest take unto thyself; that it may be well with thee, and that thou mayest prolong thy days.<sup>11</sup>

Moses implied that the dam or hen was breeding stock and should be allowed special protection. This applies to any species; the female and her young often need to be protected for the future of the species' existence.

In China there were similar rules about protection and preservation for human use.<sup>12</sup> From feudal times, Chinese recognized that the King's obligation to manage nature was as important as it was to manage his people.<sup>13</sup>

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<sup>11</sup> Aldo Leopold, *Game Management* (New York: Charles Scribner's Sons, 1948), 5.

<sup>12</sup> McBeath, G.A. and Tse-Kang Leng, "*Governance of Biodiversity Conservation in China and Taiwan*" (Edward Elgar Publishing Limited, 2006), 23.

<sup>13</sup> *Ibid*, 19.

For instance in the *Analects*, Confucius comments: “The master used a fishing line but not a cable attached to a net; he used a corded arrow but not to shoot at roosting birds” (Book VII, 27).<sup>14</sup>

The statement suggests that a person should conserve fish and game resources when fishing or hunting, by means of gear restriction. The philosopher Mencius also talked about the principle of “sustained yield” based on the method used to catch the fish: “If you do not allow nets with too fine a mesh to be used in large ponds, then there will be more fish and turtles than they can eat.”<sup>15</sup>

Hunting throughout much of Europe during medieval times was reserved for the privileged classes or the nobility. King William I of England (William the Conqueror) brought the continental forest law to England in 1066 and with it came the king’s claim to all the wildlife over vast areas of land.<sup>16</sup> When early European nobility decided that fish and wildlife belonged exclusively to them, laws were written and enforced for the benefit of the ruling class. This approach limiting the number of hunters and fishers instead of the amount of game and fish taken would today be called “limited entry.”<sup>17</sup>

The early poachers in England were peasants who tried to supplement their meager diet with game and fowl. Poaching and theft were viewed as one and the same and the guilty person often lost a hand or his head. Aristocrats formed guard forces to protect their fish and wildlife known in Latin as *Comes Stabuli* (Officer of the Stable).

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<sup>14</sup> Confucius, *The Analects*, translated by D.C. Lau. (New York: Penguin Books, 1984), 88.

<sup>15</sup> *Mencius* translated by D.C. Lau (Hong Kong: The Chinese University Press, 1984).

<sup>16</sup> Michael L. Wolfe, “An Historical Perspective on the European System of Wildlife Management” in *Wildlife Law Enforcement*, by William F. Sigler, fourth edition. (Dubuque: WM. C. Brown Company Publishers. 1995), 257.

<sup>17</sup> Olen Paul Matthews, “Who Owns Wildlife?” *Wildlife Society Bulletin*, Vol. No.14, No. 4, (Winter, 1986), 459.

The term was later corrupted in England to become constable, which is synonymous with warden.<sup>18</sup>

The English concept of a restrictive wildlife management based on “limited entry” was rejected in North America as settlers spread out from the Atlantic to the Pacific Ocean across what they considered to be a wild, unclaimed frontier.<sup>19</sup> Hunting was not restricted to an elite group; everyone had a right to hunt to secure food and clothing. Before and after the American Revolution people recognized the need to preserve a sustained yield of wild game (wildlife).<sup>20</sup> Seasons were established, but compliance was largely voluntary in the beginning. Predator control was used to keep the prime wildlife herds (deer, moose, elk, etc.) abundant by making bounty payments on predators (wolf, bear, etc.).<sup>21</sup>

In Alaska, Aleksandr A. Baranov the manager of the Russian-American company as early as 1804 implemented conservation measures by ordering stoppages of fur seal harvesting in areas that had been over harvested to replenish the herds. Stepan Larionov, the previous manager had over hunted several herds. Bundles of the hides were poorly cured and sealed. When they were shipped to the Chinese market, these inferior skins were rejected.<sup>22</sup> Baranov had ordered the stoppages as a conservation measure, but also as a prudent way to improve the market. In later years regular stoppages of harvest and selective harvesting of non-breeding three to five year old males were instituted.<sup>23</sup> In the

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<sup>18</sup> William F. Sigler, *Wildlife Law Enforcement* (Dubuque, Iowa: WM. C. Brown Co. INC., 1956), 77.

<sup>19</sup> *Ibid*, 459.

<sup>20</sup> *Ibid*, 59.

<sup>21</sup> *Ibid*.

<sup>22</sup> Lydia T. Black, *Russians in Alaska: 1732- 1867* (Fairbanks, Ak.: University of Alaska Press, 2004), 164.

<sup>23</sup> *Ibid*, 165.

1820s, conservation measures followed for Alaska sea otter populations. Limits on number of animals to be taken per year in a given district or area (for example in the Atka district sea otter take was limited to 300), prohibition of the killing of female and pups, rotation of hunting grounds and an exclusion of settlement near sea otter hauling grounds.<sup>24</sup>

The Russians implemented the first official conservation measures in Alaska. However, many of the indigenous native populations in Alaska before the Russians followed taboo practices which were considered protective in nature. Those tribes whose sanctions were effective in preserving fish and wildlife stock were often more likely to survive and prosper.<sup>25</sup> This was a prime example of “survival of the fittest.” The ancient Inuit (of Russia, Alaska, Greenland and Canada) had sanctions governing almost every aspect of their subsistence lifestyle (hunting, fishing and survival).<sup>26</sup> One taboo was that land animals (caribou and reindeer) and marine mammals (seals, walruses, and whales) must be kept separate; eating seal and caribou in the same day was forbidden. This was a seasonal restriction preserving one species of game when another was more readily available, similar to hunting seasons that we have today.<sup>27</sup>

The courts in the United States did adopt elements of the common law of England as it pertained to the ownership of fish and wildlife. Under common law fish and wildlife did not become private property until they were possessed after the kill. An old saying that vividly explains the common law of possession is: “a bird in the hand” (in

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<sup>24</sup> Ibid, 199.

<sup>25</sup> Leopold, 1948, 5.

<sup>26</sup> Edward H. Graham, *The Land and Wildlife* (New York: Oxford University Press, 1947), 14.

<sup>27</sup> Ibid.

possession) is owned; however “a bird in the bush” (free - not in possession) is not owned.<sup>28</sup>

American courts have held that the people own all the fish and wildlife not restrained or physically possessed.<sup>29</sup> In effect the state is the king and through its sovereign power holds fish and wildlife in trust for the people. While there is no mention in the United States Constitution of the protection, control and regulation of fish and wildlife stocks, by law and tradition federal ownership of fish and wildlife is confined to federal public lands. The U.S. Constitution as written was one of “limited powers.” The assumption then was the state would regulate and protect fish and game resources. In 1986 Geer v. Connecticut, the United States Supreme Court affirmed the right of a state to regulate control and protect fish and wildlife stocks within its boundaries.<sup>30</sup>

States have the right through their legislatures to promulgate statutes to regulate the preservation and public use of fish and wildlife. One of the key decisions was the State of Arkansas v. Mallory of the Arkansas Supreme Court (1904) which established the ownership of wild animals based on the Magna Carta, stating that since the thirteenth century:

The ownership of wild animals so far as vested in the sovereign, has been uniformly regarded as a trust for the benefit of the people; and we think that clearly, in effect the title and ownership of the sovereign has been held to be only for the purpose of protection, control and regulation...<sup>31</sup>

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<sup>28</sup> Harry Barton Hawes, *Fish and Game Now or Never* (New York: Appleton-Century Co., 1935), 20.

<sup>29</sup> *Ibid*, 72.

<sup>30</sup> Sigler, 1956, 16-18.

<sup>31</sup> *Ibid*, 19.

### **The Establishment of Game Wardens**

Game regulations in the young republic were typically left in the hands of local law enforcement officials. But by the mid-Nineteenth century this was no longer acceptable. In 1906, R.W. Williams, Jr., an assistant in the U.S. Bureau of Biological Survey wrote a detailed history of game wardens in America, stating that by the 1850s “growing demand for more stringent enactments for the preservation of game and the increasing complexity of statutes” meant it was “no longer practicable to include the burden of enforcing them among the duties devolving upon general officers.” As a result “enforcement has consequently been entrusted to special officials, usually called game wardens.”<sup>32</sup> According to Williams the State of Maine was the leader in professionalizing the protection of fish and game, first by the creation of specially deputized “fish wardens” in 1843. However, the first official “game wardenship” established in the United States, with officers specifically dedicated to “the protection of game and the enforcement of game laws” occurred in 1852 when the Maine Legislature established the office of “moose warden” in each of the seven counties, and “allowed the warden three-fourths of the fines recovered for killing moose and deer contrary to law.”<sup>33</sup>

Williams maintains that it was not until the 1870s and 1880s that “the urgent necessity for enforcement of the game laws became apparent,” and one state after another “created a State office or department charged with the enforcement of the game laws.” By the early 1900s thirty-six states had established similar agencies. “Correlated with the establishment of these offices has been the increasing complexity of game laws, until at

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<sup>32</sup> R.W. Williams, Jr, “The Game Warden of To-Day,” *Forest and Stream*, July 6, 1907, 16.

<sup>33</sup> *Ibid.*



the present time [1907] the modern game statute assumes the magnitude of a criminal code, and to enforce its provisions and exercise the powers thereunder require a high degree of judgment and skill.”<sup>34</sup> The increasing complexity of the laws alone was only part of the warden’s mission as an educator. “Most of the wanton destruction of animal life proceeds from thoughtlessness, and few persons once impressed with the importance of preserving wild creatures continue to destroy them.”<sup>35</sup> Furthermore, Williams argued, this new professional status of the warden gave the position “an importance and dignity it did not formerly possess. . . . The warden of today stands upon an equal footing with other executive officers of the Government and commands like respect.”<sup>36</sup>

In the years after the budding profession of wildlife enforcement took hold in the United States in the late nineteenth and early twentieth centuries, protection officers became a growing part of the emergent conservation movement. According to *The International Game Warden Magazine* (IGW), the world’s leading magazine for conservation law enforcement, the motto of the game warden spells out the necessity to be part sociologist, psychologist, teacher and counselor, as well as an avid outdoorsman, naturalist, and sportsman:

Know all that makes up our natural resources and the land on which it thrives.

Know the people who share it and keep them as happy as you can. Keep the

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

outlaws guessing, give honest people the benefit of the doubt and hold no mercy for crooks. But above all, be fair!<sup>37</sup>

Then as now the fish and wildlife enforcement or conservation officer had to first of all be a competent outdoors person, able to make an overnight camp in remote areas in all types of weather and in hostile environments. On many occasions the officer is required to patrol in the backcountry on a moment's notice, to carry all vital supplies and survival equipment, including various types of weapons and camping gear.<sup>38</sup> The officer is trained in the use of side arms, shotguns, high caliber rifles and semi-automatic military style rifles for self-defense and for killing injured or nuisance animals.

According to William B. Morse of the Wildlife Management Institute (WMI) the conservation officer has the most dangerous police job in the nation.<sup>39</sup> One reason is that most fishermen and hunters are armed and backup can be hours or even days away. Because of the physical and geographic requirements, the job of wildlife life enforcement also contains the inherit risk for personal injury or death in the operation of airplanes, boats, snow machines, and all-terrain vehicles (ATV). Alaska is no exception, there have been five Alaska state fish and wildlife enforcement officers and twenty-six Alaska Department of Fish and Game employees that have died in the line of duty (Figure 2).<sup>40</sup>

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<sup>37</sup> Donald Hastings, "The International Game Warden Motto" in *International Game Warden Magazine* (Winter 2003), 2.

<sup>38</sup> The "male" pronoun is used throughout, without intent to discriminate (it is a fact that most officers are men).

<sup>39</sup> William B. Morse, "Wildlife Enforcement, 1984" in *Western Proceedings of the Western Associations of Fish and Wildlife Agencies* (Victoria, British Columbia July 16 – 1984), 60.

<sup>40</sup> The use of small aircraft was involved directly or indirectly (transportation) in the deaths of all five fish and wildlife enforcement officers and was a significant percentage of the Alaska Department of Fish and Game (ADF&G) employee deaths. The list of five fish and wildlife enforcement officer killed in the line of duty includes two AFD&G employees because enforcement personnel were in ADF&G before 1972.

## Alaska Department of Fish and Game (ADF&G) and Fish & Wildlife Enforcement Personnel in Memoriam

### **ADF&G Employees Died In Line Of Duty**

1959	Lee Larson
1960	Ralph Reischl
1961	Doyle E. Cisney
1962	Lloyd T. Lewis
1962	Lester E. Varozza
1963	Lloyd H. Stebbins
1963	Robert E. Lawler
1964	LeRoy G. Bohuslov
1964	Gary G. Wohlfeil
1965	Edwin F. Strong
1968	Arthur E. Bratlie
1968	John J. Frank
1969	Rex Thomas
1969	Peter Winslow
1970	James A. Erickson
1971	Kim S. Bussell
1974	John David Solf
1975	Johnathan Ward
1975	Spencer A. Linderman
1981	Jack D. Geil
1982	Hugh T. O'Neill
1987	Ruth Southern
1989	Kenneth M. Friedrich
1990	Shelli D. Clay
1994	Valerie Chabot
1996	Randall H. Kacyon

### **Fish & Wildlife Enforcement Officers Died In Line Of Duty**

1964	Leroy G. Bohuslov
1964	Gary G. Wohlfeil
1983	John D. Stimson
1998	David C. Churchill
2001	James A. Moen



**Figure 2:** Alaska Department of Fish and Game (ADF&G) and Fish & Wildlife Enforcement Personnel in Memoriam. The list of ADF&G personnel and plaque are courtesy of Alaska Department of Fish and Game, In Memoriam, <http://www.adfg.alaska.gov/index.cfm?adfg=about.memorial> (accessed July 16, 2011). List of Fish & Wildlife Enforcement Officers courtesy of author's personal archives and memory. Photo of ADF&G Officer Gary G. Wohlfeil (1964) was taken just days before he died in a plane crash while conducting low flying aerial caribou surveys out of McGrath. Courtesy of author's personal archives.

Besides skills as a woodsman, the protection officer needs a background in the natural sciences and ecology. In 1933, Aldo Leopold defined game management as “the art of making land produce sustained annual crops of wildlife for recreational use.”<sup>41</sup> To produce that sustained annual crop for the user involves a blend of research, management techniques, protection programs, regulations and law enforcement. Another author held that “wildlife management is the art of making the land produce wildlife.”<sup>42</sup>

Morse argued in a 1973 article entitled “Law Enforcement—One Third of the Triangle,” that enforcement was just as important as research and management when it came to the preservation of fish and wildlife resources, but that “it has not received proportionate attention from administrators and researchers.” According to Morse, “Too often, enforcement is looked upon as a necessary evil, even as an anachronism that must be accepted simply because it exists.”<sup>43</sup> Without proper law enforcement, the best research and management practices will have little effect in sustaining fish and wildlife populations.<sup>44</sup>

The main source of revenue for many states and their resource departments is the sale of hunting and fishing licenses/tags/stamps along with the registration/license renewals of recreation and commercial equipment (commercial fishing and sport boats, snow machines, ATVs, etc.). Without general enforcement of licensing laws, funds for all

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<sup>41</sup> Leopold, 1948, 3.

<sup>42</sup> James M. Peek, *A Review of Wildlife Management* (Englewood: Prentice Hall, 1986), 3.

<sup>43</sup> William B. Morse, “Law enforcement – One Third of the Triangle,” in *Wildlife Society Bulletin*, Vol. 1, No. 1 (Spring, 1973), 39. WMI is a private, nonprofit, scientific and educational organization, founded in 1911, that is dedicated to the conservation, enhancement and professional management of North America's wildlife.

<sup>44</sup> Ibid.

fish and wildlife agencies would be cut and many programs would be reduced.<sup>45</sup> License inspections are more than a fundamental duty; it is the lifeblood of many fish and wildlife agencies.

Unlike most police, the fish and wildlife enforcement officer normally deals with average citizens who have made a mistake, but are not habitual criminals. Those who intentionally break fish and wildlife laws are encountered less frequently than the opportunist violator with no intention to break the law—but “the fishing was just too good,” or “the moose happened to come by” and his freezer was empty.<sup>46</sup>

Typical offenses don’t require arrests, but are violations or misdemeanors that simply call for citations or misdemeanor summons. In fact a physical arrest is often the last thing a wildlife protection officer wants to make, because of the sheer impracticality. An arrest in a remote area could consume days in transporting the suspect and result in the officer being unable to resume his patrols. Less patrol time equates to fewer cases and a higher probability of more people violating the law because of a lack of an enforcement presence.

The objective is to obtain compliance. If people are treated with respect and left with their dignity intact, they frequently return the favor by respecting the resources and pass that respect on to other users including their children. The fish and wildlife enforcement officer must necessarily be proactive, patrolling the field, showing a presence during open and closed seasons alike, and keeping crimes from occurring in the

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<sup>45</sup> William B. Morse, “Law enforcement – A Tool of Management,” in *Wildlife Conservation Principles and Practices*, ed. by Richard D. Teague and Eugene Decker (Washington, D.C.: The Wildlife Society, 1979), 23.

<sup>46</sup> *Ibid*, 25.

first place. Prevention is seldom if ever quantified by statistics. In Alaska normal police such as the state troopers are often directed where to go by a dispatcher, responding to complaints from the scene of a crime, usually dealing with crimes against persons and property; but the task of a fish and wildlife officer is to be vigilant enough to be on the scene before the crime has even occurred.

### **The Law Enforcement Movement**

The cultural divide in Alaska between “blue shirts” and “brown shirts” (the uniform of the Alaska State Troopers is blue; that of the fish and wildlife officers was brown until 2003) is a reflection of a profoundly different emphasis and perspective regarding simple law enforcement and the broader duties of protecting the resources. In recent decades the tendency in the United States has been for conservation officers to become more and more like regular police officers. William Morse of WMI researched trends regarding fish and wildlife enforcement officers in the United States from the 1960s to the mid 1980s analyzing every fish and wildlife enforcement agency in the United States.<sup>47</sup> According to his findings it was apparent that fish and wildlife agencies were working toward adopting a professional law enforcement image.<sup>48</sup> The amount of time spent on law enforcement was increasing and the time on other activities was decreasing. Morse estimated that by the late 1970s the average fish and wildlife officer was spending about 61 percent of the time on typical law enforcement duties. By 1984 in 43 of the 50 states wildlife officers had been granted full peace officer powers. Morse recognized that this would imply a “decrease or elimination of wildlife education

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<sup>47</sup> Morse, 1984, 59-60.

<sup>48</sup> Morse, 1979, 26.

requirements” for officers, who were assuming a greater share of law enforcement responsibilities that might have nothing to do with fish and wildlife. The reality was that in most fish and game agencies enforcement officers were becoming increasingly and more divided from their colleagues, a disturbing trend which he called “separatism” dividing fish and game personnel between professional wildlife “managers” and “policemen.”

I consider separatism the greatest long-term enforcement problem.

Many states can end up with a resource police department, whose sole justification is number of arrests rather than an evaluation of the resources protected. Officer discretion should be structured to accomplish agency goals, not merely police goals. When separatism exists in fact or in attitude, resource management suffers.<sup>49</sup>

While Morse believed the trend towards greater expertise in legal enforcement was not all negative, he feared that a full time professional law enforcement officer was steadily replacing the traditional conservation officer of the past.<sup>50</sup>

For years the most striking example of the separateness of fish and game enforcement was the State of Oregon, where fish and wildlife enforcement had been under the jurisdiction of an entirely separate agency, the Oregon State Police (OSP), since the creation of the force in 1931. According to Phillip W. Schneider of Portland, in a 1971 talk on “The Role of Enforcement in Modern Fish and Wildlife Management,” the Oregon model came about because, “There was reported to be concern with the costly

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<sup>49</sup> Morse, 1984, 61.

<sup>50</sup> Morse, 1979, 26.

duplication of effort and with the old Game Warden System where political appointments and patronage allegedly constituted one of the bases upon which warden appointments were made.”<sup>51</sup> Schneider said that in Oregon’s forty years’ experience with state police enforcement, opinions were divided on its effectiveness. On the plus side he pointed to higher standards of legal expertise for recruits:

Being a State police organization...such a department must create first of all a police officer. This employee must be one capable of conducting investigations from that of a misdemeanor to a felony... Thus, from a police standpoint one is assured of excellence in police work and in that context it is outstanding. The U.S. Fish and Wildlife service have recruited a number of their enforcement employees from the Oregon State Police.<sup>52</sup>

Overall Schneider believed empowering a “separate enforcement agency” such as the OSP to enforce wildlife rules was counter-productive, because having an organization “oriented strongly to police concepts tends to minimize the many other but related functions” of a conservation officer. He believed:

A fundamental frailty...to divorce enforcement from management. Ultimately he thought that fish and wildlife enforcement transcends the necessary but narrow area of police work per-se. Emphasis needs to be on prevention rather than after-

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<sup>51</sup> Phillip W. Schneider, “The Role of Enforcement in Modern Fish and Wildlife Management” *Western Section of the Wildlife Society*, 1971 [http://www.tws-west.org/transactions/TWSWS\\_Transactions\\_directoryMar2007.htm](http://www.tws-west.org/transactions/TWSWS_Transactions_directoryMar2007.htm) (accessed April 2, 2011), 132.

<sup>52</sup> Ibid, 133.



the-fact apprehension.... Front-line field employees must deal with a broad spectrum of skills and knowledge...in addition to expertness in police work...<sup>53</sup>

Ironically it was one year after Schneider made these comments that Alaska Governor William A. Egan took the controversial step of transferring law enforcement of fish and wildlife laws and regulations in the State of Alaska from the Alaska Department of Fish and Game to the Alaska Department of Public Safety. The move cannot be fully understood without a thorough examination of the start in 1902 of fish and wildlife enforcement in Alaska to which we turn.

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<sup>53</sup> Ibid, 134.

## **Chapter 2: The First Alaska Game Laws and Game Wardens**

Congress passed three game laws for the Alaska Territory in 1902, 1908 and 1925. The 1925 Alaska Game law would be the most enduring game law of the territorial era, providing the basic foundation for game regulation for 35 years until January 1, 1960, when the State of Alaska's Board of Fish and Game came into existence.<sup>54</sup> The distinct differences in the three game laws and how they were enforced by fish and wildlife enforcement officers will be covered in detail throughout this chapter.

### **Rampant Killing and Wanton Waste of Game**

Much as with the buffalo hunts of the old west, increasing population pressures in Alaska due to increased development and improvements in transportation too often led to wanton waste. An investigative report by J. Alden Loring for the New York Zoological Society in 1901 stated: "It is believed by responsible men that five moose are killed for everyone that is used."<sup>55</sup> There were reports that a single Native had shot 50 moose in a summer when the temperature was too warm to adequately preserve the meat. There were also reports of hunters indiscriminately shooting moose to sell the antlers. Between 1901 and 1902 along the north shore of the Alaska Peninsula, Eskimos of Unangashik killed 500 caribou; the meat was discarded and the hides were sold to a trader.<sup>56</sup>

There was a major concern that if commercial meat hunters continued unchecked wildlife populations would not survive. In Southeast Alaska it was reported that

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<sup>54</sup> Claus-M. Naske, and Herman E. Slotnick, *Alaska, A History of the 49th State*, second edition (Norman: University of Oklahoma, 1987), 166.

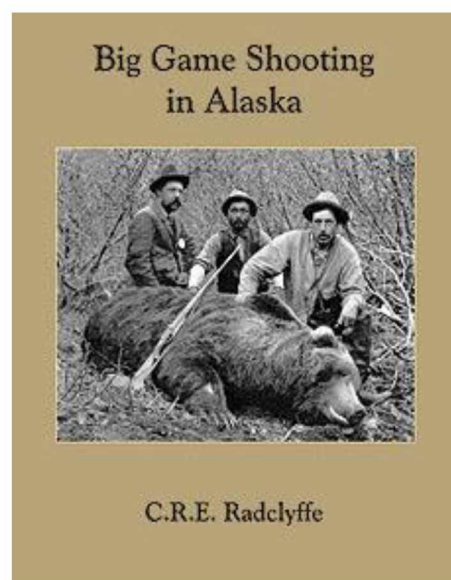
<sup>55</sup> *Ibid.*, 213-214.

<sup>56</sup> Morgan Sherwood, *Big Game in Alaska: A History of Wildlife and People* (Fairbanks: Alaska University of Alaska Press, 1981), 109.

thousands of deer were shot for the prime hindquarters or hides.<sup>57</sup> During the winter of 1901 at least 15,000 deer hides were shipped out of Southeast Alaska alone.<sup>58</sup> In the fall of 1907 the Gibson brothers, who had been supplying meat to the mining camps in the Fairbanks area, shipped almost three tons of illegal wild game to Fairbanks.<sup>59</sup>

Wealthy sportsmen from around the world started arriving in Alaska in the late 1890s. They wanted the largest specimens possible of moose and caribou antlers, sheep horns, bear heads and hides, and didn't care how many animals they had to slaughter to get them (Figure 3). British Colonel Claude Cane hunted on both the Alaska Peninsula and the Kenai Peninsula in 1902, and reported killing four Dall sheep rams in one day and five in another.<sup>60</sup> English sport hunter Captain Charles R.E. Radclyffe went to the Kenai Peninsula in 1903 and proudly reported that his party killed

a total of 37 big game animals (bears, moose, caribou, and sheep) and 120 small game animals (hares, grouse, ptarmigan, ducks and geese).<sup>61</sup> Radclyffe argued that an occasional sportsman such as himself, no matter how many animals he killed, was no threat to the wildlife populations. According to Radclyffe the serious threats were from Alaskans themselves:



**Figure 3:** C.R.E Radclyffe book cover *Big Game Shooting in Alaska*. Courtesy of [www.rowlandward.com/](http://www.rowlandward.com/)

<sup>57</sup> Ibid.

<sup>58</sup> Ibid, 108.

<sup>59</sup> Ibid, 217.

<sup>60</sup> Ibid, 214.

<sup>61</sup> Ibid, 215.

The real danger at present lies in the indiscriminate killing of bears, moose, caribou, and sheep by the Natives for the sale of the hides and horns, and also for the sake of the meat of the last three species which is sold by the natives and others to ships, canneries, and miners throughout the country. For the last-named purpose males, females and young of all kinds of game have hitherto been killed at all seasons of the year.<sup>62</sup>

Reports of rampant taking of wildlife in Alaska motivated conservation groups, such as the Boone and Crocket Club, American Ornithologist's Union, League of American Sportsmen, and New York Zoological Society, and some of the early chiefs of the U.S. Bureau of Biological Survey (Clinton Hart Merriam from 1885 to 1910 and Edward W. Nelson from 1916 to 1927) to campaign for new laws and regulations. As a result Congress passed a series of increasingly restrictive wildlife laws, such as the Lacey Act of 1900, and the 1902, 1908 and 1925 Alaska Game Laws.

### **The 1900 Lacey Act: The First Federal Fish and Wildlife Law**

The Lacey Act, the first federal fish and wildlife law on the books, prohibited importing, exporting, selling or purchasing “any fish, wildlife or plants taken, possessed or sold in violation of state or foreign law.”<sup>63</sup> The Lacey Act enabled states and territories to protect their native game animals by prohibiting interstate transportation of game taken in violation of state law. Prior to the Lacey Act poachers were often able to avoid prosecution by transporting the illegally-taken animal to another state that did not have

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<sup>62</sup> Ibid.

<sup>63</sup> William F. Sigler, *Wildlife Law Enforcement*, 4th edition (Dubuque: WM. C. Brown, Co. INC. 1995), 70.

laws addressing that particular illegal act. The Lacey Act gave game wardens greater latitude in battling poaching of wildlife locally, nationally and internationally.

### **The 1902 Alaska Game Act: The Federal Marshals**

On June 7, 1902 Congress enacted the 1902 Alaska Game Law, a comprehensive law for the protection of game in Alaska “under restrictions prescribed by the Department of Agriculture.”<sup>64</sup> The intention of the 1902 law was to deter the sale and export of illegally taken trophies and wild game, without causing unnecessary hardship on the people in Alaska, and as a result it provided the following clause: “Indians, Eskimos, miners, or explorers actually in need of food are permitted to kill game for their immediate use.”<sup>65</sup> This language allowed people in Alaska to take game for survival and was in essence Alaska’s first subsistence law. However it specifically stated that the clause was not to be used:

As a pretext to kill game out of season, for sport or for market or to supply canneries or settlements, and under no circumstances can the hides or heads of animals thus killed be lawfully offered for sale.<sup>66</sup>

Initially the passage of the 1902 act was greeted with applause. “The law has worked for good already,” wrote Governor John G. Brady in 1902. “The natives in Southeast Alaska will no longer kill deer simply for the hides which they cannot sell. The professional hunter who has been killing for the markets will cease.” Brady admitted that

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<sup>64</sup> United States Department of Agriculture, “Regulations for the Protection of Game in Alaska, pertaining to the 1902 Alaska Game Act,” Biological Survey Circular No. 39 (1903), 1.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

“the law will be difficult to execute in a country like this, but its mere creation will work a reformation.”<sup>67</sup> However, the governor knew there were obvious shortcomings in the legislation. The 1902 Game Law did not authorize any funding for additional personnel or training. It left the enforcement of the game laws to the existing “federal marshals, deputy marshals, collectors or deputy collectors of customs appointed for Alaska, and all officers of revenue cutters.”<sup>68</sup> As the marshals were already shorthanded, the enforcement of the game laws was hardly a priority. Furthermore Brady thought the clause giving marshals the right to “‘arrest without warrant’ ... opens the door wide for the grafter and the blackmailer” and so he urged Congress to consider authorizing the hiring of “at least one game warden for each judicial division.” Such wardens would not only be in a better position to enforce the law, but could “suggest amendments to make the law more efficient and workable.”<sup>69</sup>

Failure to authorize a unit of game wardens was a fatal defect in the 1902 law. As the historian of the Bureau of Biological Survey later wrote, “by making no provision for the appointment of wardens, beyond wishing the job as an extra chore of United States marshals and deputy marshal—a notoriously unworkable device,” the impact of the 1902 statute “upon such abuses as killing out of season, game wasting, etc., long inordinately committed in Alaska, was practically negligible.”<sup>70</sup>

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<sup>67</sup> John Bradley, “Report of the Governor of Alaska to the Secretary of the Interior 1902” (Washington D.C.: Government Printing Office, 1902), 56.

<sup>68</sup> United States Department of Agriculture, 1903, 3.

<sup>69</sup> Bradley, 1902, 56. There were four judicial districts in Alaska and as of 2011.

<sup>70</sup> Jenks Cameron, *The Biological Survey: Its History, Activities and Organization* (Baltimore: John Hopkins Press, 1929), 112.

Despite relatively lax enforcement, the game law was unpopular with local Alaskans. Prior to the 1902 Game Law, Alaskans were able to hunt without restrictions. Many Alaskan Natives at the time did not speak or read English and this made it even more difficult to enforce a law that the people did not comprehend. The federal marshals were also reluctant to impair local ties by enforcing an unpopular law.<sup>71</sup> Alaskans also resented the fact that foreign sportsmen (nonresidents) were permitted to ship trophies outside of Alaska. Alaskans complained that well connected outside sportsmen received favored treatment in shipping their trophies out of Alaska.<sup>72</sup> The pro-conservation groups, in particular the Boone and Crocket Club, held firm to the belief that excess killing and waste of game in Alaska by Alaska Natives jeopardized wildlife populations.<sup>73</sup>

### **The 1908 Alaska Game Act: The Governor's Wardens**

Dissatisfaction with the 1902 law led to the enactment of a new measure in 1908, but the improvements were marginal. Under the 1908 law, the Bureau of Biological Survey still wrote the game regulations for the territory, but the governor was in charge of employing wardens to enforce them.<sup>74</sup> This was done as a way of appeasing the Alaskans who had been clamoring for a voice in how the system operated. "The gist of the change was...that the exasperating Washington authority, represented by the Survey, was pushed into the background, but was still left in partial control...."<sup>75</sup> By 1911, the

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<sup>71</sup> Ken Ross, *Pioneering Conservation in Alaska* (Boulder, Co.: University Press of Colorado, 2006), 218.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> The governor was appointed by the President of the United States.

<sup>75</sup> Cameron, 1929, 113.

governor of Alaska had hired six full time wardens and one seasonal warden funded by Congressional appropriation.<sup>76</sup>

Shifting the responsibility of picking the wardens to the governor of Alaska did not have the desired effect. Even though there was more “home rule” in choosing them, because the wardens were gubernatorial appointees they acquired a reputation as “political hacks” with little inclination to enforce the law.<sup>77</sup> They performed partisan political jobs while in office and were often unqualified because of a lack of training and some were barely literate.<sup>78</sup> There were numerous documented complaints of abuse. One described a warden from the Interior participating and encouraging “side hunts,” a sport where a group of hunters would choose sides for a day and kill everything in sight to see who could kill the most animals.<sup>79</sup> Another allegation was leveled at a Kenai warden who had a Native pose as a guide to collect fees that were then shared between them. Twenty-five people signed a petition asking for the removal of the warden.<sup>80</sup>

The majority of the complaints painted the new politically-appointed wardens as oblivious to game violations. Though it was against the law to sell wild game, in nearly every Anchorage hotel and restaurant moose meat was on the menu.<sup>81</sup> Even the U.S. Army ignored the federal law. Despite the prohibition against the sale of game meat, Colonel Wilds P. Richardson contracted with a professional hunter to provide game meat—fresh Dall sheep—to feed Alaska Road Commission construction crews working

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<sup>76</sup> Ross, 2006, 219.

<sup>77</sup> Ibid.

<sup>78</sup> Sherwood, 1981, 48.

<sup>79</sup> Ibid. 45.

<sup>80</sup> Ibid. 44.

<sup>81</sup> Ibid.



on the Valdez-Fairbanks trail.<sup>82</sup> In 1917, a Fairbanks game warden estimated during the previous four years 2,800 sheep had been killed for the market within 200 miles of Fairbanks.<sup>83</sup>

Conservationist William T. Hornaday put it eloquently in a 1924 article when he called the Kenai Peninsula “the dark-and-bloody ground of the giant Alaskan moose.” According to Hornaday:

In spite of governmental protections trustworthy reports came in 1922 that on the Kenai about three hundred cow moose were openly slaughtered, totally contrary to law, and that the comatose game warden... who was paid by the United States government to enforce the game laws of Alaska, did virtually nothing to prevent either the slaughter of the animals or the sale of their meat.<sup>84</sup>

Most Alaskans did not see anything wrong with taking wild game for commercial use if there were no waste. Nearly all wardens knew that local juries would not convict for serving wild game, because most Alaskans ate wild game. In 1913, one unemployed informant complained that the butcher shops along the Tanana River refused to import beef and sold game meat; he was hired as a temporary warden and started searching caches and cabins or stopping prospectors on the trail to search their sleds without a warrant. Seventy residents petitioned U.S. Commissioner Anthony J. Dimond to have

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<sup>82</sup> Jim Reardon, *Alaska's Wolf Man: The 1915-55 Wilderness Adventures of Frank Glaser* (Missoula: Pictorial Histories Publishing Company, Inc. 1998), 27.

<sup>83</sup> *Ibid*, 33.

<sup>84</sup> William T. Hornaday, “Great American Animals,” VI The Moose Giant of the Deer Family, in the *Youth's Companion* (1827 – 1929); June 23, 1924; 89, 24 American Periodicals series online, 394.

Governor J.F.A. Strong remove the warden, and he was fired.<sup>85</sup> His replacement reported two years later that wild game was 50 percent of the local food supply.<sup>86</sup>

The 1908 Game Law required nonresident hunters to hire a registered guide if they hunted on the Kenai Peninsula, an easily accessible hunting area for trophy size moose.<sup>87</sup> This was the start of guiding in Alaska. The governor was empowered to make regulations for the guiding registration and to fix their fees.<sup>88</sup> If a guide failed to obey game laws or to report violations his license could be revoked for five years, and thus in essence the guide became a de-facto game warden.<sup>89</sup> In later years registered guides under the 1925 game law were issued warden badges.<sup>90</sup>

In 1912, President William Howard Taft signed into law the Second Organic Act, which turned Alaska into a U.S. Territory with an elected legislature.<sup>91</sup> The governor was still appointed by the President, and retained the authority to all matters relating to the issue of licenses, employment of wardens and the registration of guides pursuant to the 1908 game law; however the federal government kept control over laws pertaining to fish and wildlife and all natural resources.<sup>92</sup> A clause in the Second Organic Act expressly forbade the Alaska legislature to “alter, amend, modify and repeal measures relating to fish and game....”<sup>93</sup> Territorial Governor Walter Clark in his 1912 “Annual Report of the Alaska Game Law” to the Secretary of Agriculture stated that the power to frame new

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<sup>85</sup> Sherwood, 1981, 45.

<sup>86</sup> Ibid.

<sup>87</sup> Alaska Governor, “Alaska Game Law and Regulations – 1914,” Circular 3 (Washington D.C.: Government Printing Office, June 20, 1914), 4.

<sup>88</sup> Ibid. 5.

<sup>89</sup> Ibid. 7.

<sup>90</sup> Jay Hammond, *Tales of Alaska's Bush Rat Governor* (Fairbanks: Epicenter Press), 107.

<sup>91</sup> Naske and Slotnick, 1987, 94.

<sup>92</sup> Alaska Governor, 1914, 5.

<sup>93</sup> Naske and Slotnick, 1987, 94-95. Mining and fishing interests in Alaska lobbied for this amendment.

regulations under the Alaska Game Act should be transferred from the Department of Agriculture to the governor's office in Juneau.<sup>94</sup> This would be the theme of Alaskan governors for almost the next half-century, arguing that the Alaska legislature would be better suited to make game regulations for Alaska than distant bureaucrats in Washington, D.C. Alaska was the only territory at the time that did not have jurisdiction over its fish, fur bearers or game.<sup>95</sup>

Such complaints were dismissed by conservationist groups, naturalists, and big game hunters who had lobbied hard to ensure that the federal government retained control over Alaska's fish and wildlife resources.<sup>96</sup> The federal government owned 99 percent of Alaska's land including all of its natural resources and the public domain belonged to all Americans, not the sparse Alaska population (64,000 according to the 1910 census).<sup>97</sup> Conservationists adamantly believed that the excessive killing and waste of game by commercial meat hunters and Alaska Natives jeopardized wildlife populations and that federal control was essential for the protection of Alaska's fish and game resources.<sup>98</sup>

Alaska Governor J.F.A. Strong said in 1914 that many of the inherent tribulations from the 1902 law were still evident. "This act was imperfect in many important particulars," Strong said, "and although it was liberally amended in 1908 many of the

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<sup>94</sup> Governor Walter E. Clark, "Annual Report of the Governor of Alaska on the Alaska Game Law 1912" (Washington D.C.: Government Printing Office, 1913), 6.

<sup>95</sup> Ross, 2006, 219.

<sup>96</sup> Sherwood, 1981, 32.

<sup>97</sup> Ibid. 220.

<sup>98</sup> Ibid. 218.

incongruities and anomalies were suffered to remain.”<sup>99</sup> Strong cited a frequently noted example of how out of touch bureaucrats were tied in red tape when it came to crafting regulations about Alaska’s game animals; the secretary of agriculture wrote the rules for brown bears because they were classified as game animals, whereas the secretary of commerce was in charge of black bears because they were classified as fur bearing animals. “Under the existing law the brown bear is classified as a game animal and is protected,” Strong said. “On the other hand, the black bear is denominated a fur-bearing animal and may be killed at any time. Is there any sound reason for this discrimination?”<sup>100</sup>

Strong’s solution was for local control and the need to enact “a simple but practical game law suited to the conditions obtaining in the different geographical and climatic divisions of Alaska.” He urged Congress and the president to recognize that Alaskans could play a vital role in crafting better legislation to protect the resources. “The maintenance of wild life requires the combined wisdom and activities of all interested persons. The preservation of the game animals and birds of Alaska is therefore a matter that properly belongs to the Territorial Legislature.”<sup>101</sup>

Edward W. Nelson, the Director of the Bureau of Biological Survey from 1916 to 1927, also realized that changes were needed in the 1902 and 1908 game laws if conditions were to be improved. Nelson was a leading authority on Alaska, having spent

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<sup>99</sup> Governor J.F.A. Strong , “The Alaska Game Laws,” *Forest and Stream*; A Journal of Outdoor Life, December 5, 1914; VOL. LXXXIII., No. 23; American Periodicals Series Online, 717.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

many years in the territory as an explorer while conducting ethnographic work. He had authored more than 200 books and articles on birds, mammals and Eskimo life.<sup>102</sup>

Nelson set his sights on a total revamping of wildlife management in Alaska that would call for the unification of control of both game and fur animals under the Bureau of Biological Survey. Additionally he wanted to replace the existing Alaska wardens with more professional staff. According to Nelson, the wardens chosen by the governors of Alaska were typically “negligent and incompetent,” and he was committed to unifying the management of fur and game animals under his Bureau of Biological Survey.<sup>103</sup> Nelson hoped to remove wardens from the influence of local politics, and allow hiring of scientifically-trained experts under a commission with members representing different regions of Alaska.

By the early 1920s, as the governor of Alaska admitted, existing laws for regulation of both game and fur bearing animals “had long since become obsolete and were universally acknowledged to be inadequate to meet the conditions.”<sup>104</sup> As the brown bear—black bear regulations demonstrated before 1924, Alaska was in a peculiar position in which fur bearers and game animals were “protected under separate acts administered by separate personnels (sic) operating under two different departments of the Government” because while the Bureau of Biological Survey in the Agriculture Department was in charge of fur bearers, the Governor of Alaska in the Interior

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<sup>102</sup> Ross, 2006, 227.

<sup>103</sup> Sherwood, 1981, 48.

<sup>104</sup> Governor Geo. A. Parks, “Report of the Governor of Alaska to the Secretary of the Interior 1925” (Washington D.C.: Government Printing Office, 1925), 45.

Department was responsible for choosing the Alaska game wardens, who carried out game regulations.<sup>105</sup>

Nelson requested fur warden Frank Dufresne, stationed at Nome in the 1920s, to travel all over northwest Alaska by dog team and boat interviewing everyone who relied on fish and wildlife for subsistence. Dufresne gathered information on seasons, bag limits, and anything that related to fish and wildlife.<sup>106</sup> Nelson used Dufresne's interviews to compile a report for Congress on the need for a new Alaska game law, in which he highlighted the advantage of having one agency, such as the Bureau of Biological Survey, to manage both fur and game animals.

Alaska Delegate Dan Sutherland introduced an early version of a bill to reform the game management situation in 1921; he described it as "agreed upon by virtually all the people of Alaska."<sup>107</sup> The "awkward division of authority" between the interior department and the agriculture department was finally resolved on July 1, 1924, when President Calvin Coolidge "transferred jurisdiction over the game to the Secretary of Agriculture, and thus consolidated the wild life protective work by placing both the game and fur under the Biological Survey."<sup>108</sup> Alaska Governor George Parks wrote in his annual report that year, as a result of this reorganization, "The period July 1, 1924 to June

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<sup>105</sup> Ibid. Originally fur bearing animals in Alaska were under jurisdiction of the Treasury Department until transferred in 1903 to the newly established Department of Commerce and Labor. In 1920 all fur bearing land animals were transferred to the Bureau of Biological Survey under the Secretary of Agriculture. See: Jenks Cameron, *The Bureau of Biological Survey*, pp. 115-117.

<sup>106</sup> Frank Dufresne, *My Way was North* (New York: Holt, Rinehart and Winston, 1966), 77.

<sup>107</sup> Ross, 2006, 232.

<sup>108</sup> Parks, 1925, 45.

30, 1925, was probably the most important year in the history of Alaska wildlife protection.”<sup>109</sup>

### **The 1925 Alaska Game Act: The Alaska Game Commission**

In January 1925, Coolidge approved a radically new approach to managing fur animals and game in the creation of the Alaska Game Commission. Even Alaskans who had been continually pressing for local control of game found the provisions of the act mostly acceptable. Former Governor Thomas Riggs confessed that “in all fairness... the law (1925 Alaskan Game Law) is designed to be unobnoxious as possible, and it may work.”<sup>110</sup>

The 1925 Alaska Game Act superseded all previous laws in the Territory of Alaska pertaining to game and fur bearing animals; it authorized a newly established five member Alaska Game Commission to administer the full provisions of the law including hiring and firing game wardens, with an executive officer stationed in Juneau (Figure 4).<sup>111</sup> As Governor George Parks explained:

This law provides for an Alaska game commission composed of five members, all residents of Alaska, which formulates regulations that are submitted to the Secretary of Agriculture for promulgation by him. This commission also has authority to promulgate certain regulations on its own initiatives. Under the

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<sup>109</sup> Ibid.

<sup>110</sup> Sherwood, 1981, 51.

<sup>111</sup> United States Department of Agriculture, Office of the Secretary, Press Service. Press Release: “New Alaska Game Commission Appointed By Secretary Jardine” (Released March 13, 1925, Press Release 770-25), x.

Alaska game law almost the entire administration is carried on by the executive officer with headquarters at Juneau.<sup>112</sup>



**Figure 4:** Alaska Game Commission officer Sam White, the first flying game warden (1930s). Courtesy of the Alaska State Library, Historical Collections through G.W. Lister “Alaska Fish and Wildlife Protection Badges and Patches collection,” <http://www.mooscoop.net/Displays/Alaska/> (accessed July 20, 2011).

The 1925 Alaska Game Law was strongly oriented to utilitarian conservation and struck a prudent compromise between federal control and local autonomy.<sup>113</sup> According to Governor Parks the plan was to be as flexible as possible, but to strive for maximum possible wise use:

The policy in the formulation of the regulations is that of permitting the maximum possible utilization consistent with perpetuation and up building of this important resource of the territory. The provisions of the act are such that the regulations

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<sup>112</sup> Parks, 1925, 45.

<sup>113</sup> Ross, 2006, 233.



can be modified from time to time as conditions change or as they are found to be unsuited or in need of modification.<sup>114</sup>

The new game law adopted the protective provisions of the previous game laws, but the main difference lay in the establishment of a regulatory institution made up of Alaska residents. The fifth member of the commission was the chief representative of the Bureau of Biological Survey in Alaska, who also was required to be a resident of Alaska; he was responsible for the administrative duties of the Alaska Game Commission. As a 1929 study of the Bureau of Biological Survey concluded, the 1925 Alaska Game Act “was an exceptionally skillful piece of legislation” in the way that “it provides for two exceedingly desirable objects, which in the years since 1908, had frequently appeared to be hopelessly antagonistic.” These two divergent ends were unifying all wildlife under the Biological Survey on the one hand, while “at the same time [recognizing] the...Alaskan passion for home rule, and accords it a measure of power and influence which it never theretofore enjoyed.”<sup>115</sup>

But Alaskans still found reasons to complain. As early as 1926, one year after he had praised the passage of the Alaska Game Commission statute, Governor George Parks was having second thoughts. “The protection of game and fur-bearing animals contemplated by the Alaska game law,” he wrote in his 1926 report, “has not proved to be as satisfactory as was anticipated when the law was enacted.” The shortage of game wardens was the heart of the matter:

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<sup>114</sup> Parks, 1925, 46.

<sup>115</sup> Cameron, 1929, 112.

Apparently little effort was made to enforce the law in some of the important districts. Last year the second judicial division was without a game warden, the Yukon River districts were not given adequate protection, and no provision was made for a warden on the Kuskokwim River.<sup>116</sup>

Another difference between the three game laws was that the 1902 and 1908 Game Laws had a simple subsistence clause allowing anyone “actually in need of food...to kill game for their immediate use” regardless of season.<sup>117</sup> For years wardens had realized that this loophole was large enough to drive a herd of caribou through. Special Game Warden L.F. Shaw of Anchorage reported in 1915 that the law should be changed to add the words “to prevent starvation” after the line “in need of food.” Shaw’s explanation was that the “in need of food” exemption was widely violated by so-called prospectors and miners:

Who are almost always excused under the simple excuse that they follow these vocations, when in fact they may be well supplied with all necessary supplies. Mining companies particularly dodge the clear intent of the law under the guise of being miners and entitled to the wild game of the country at all times.<sup>118</sup>

The 1925 game law’s subsistence clause was slightly different in two ways. For one thing it added that Alaskans could kill to eat “when in absolute need of food and other food is not available,” however it restricted this right to explorers, prospectors, or travelers and so called “uncivilized natives.” This unabashedly racist regulation targeted

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<sup>116</sup> Geo. A. Parks, Governor, “Report of the Governor of Alaska to the Secretary of the Interior 1926” (Washington D.C.: Government Printing Office, 1926), 6.

<sup>117</sup> United States Department of Agriculture, Circular No. 39, 1903, 1.

<sup>118</sup> J.F.A. Strong, Governor, “Report of the Governor of Alaska on the Alaska Game Law, 1915” (Washington D.C.: Government Printing Office, 1915), 6.

the “civilized” Tlingit and Haida Indians in Southeast Alaska, as many were town dwellers who were registered to vote (two of the supposed hallmarks of being “civilized”), and were therefore theoretically denied the right to legally hunt even in the face of starvation.<sup>119</sup>

Nelson, who was responsible for the verbiage of the subsistence clause, was apparently motivated by complaints of whites that some Natives were abusing their hunting privileges by selling wild game.<sup>120</sup> The 1925 Game Law further required residents, nonresidents and “civilized natives” to purchase hunting and trapping licenses, but no such licenses were required for “uncivilized Natives.”<sup>121</sup>

The Game Commission interpreted the licensing clause very literally by granting the privilege only to Natives not “adopting a civilized mode of living” or exercising the “right of franchise” (the right to vote). The Game Commission required Alaska Natives to sign an affidavit stating the applicant had no work opportunity or alternate food source.<sup>122</sup> The Alaska Game Commission found the wording of the Alaska Game Law, particularly the ruling about which Natives were required to buy licenses, troublesome to enforce. As the commission explained in its 1930-1931 report:

The provisions of the Act exempting certain natives from the payment of license fees is very confusing in that, until the Courts decide when tribal status ends and a civilized life beings, a native may revert from one status to another as his fancy wills. Many native communities, almost to a man, have applied for and been

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<sup>119</sup> Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867-1959: The Army to Statehood* (Hanover: University Press of New England, 1997), 191-192.

<sup>120</sup> Sherwood, 1981, 107.

<sup>121</sup> Alaska Game Commission, 1925, 5.

<sup>122</sup> Ross, 2006, 238.

granted licenses, while others under the dominance of some white person with ‘ideas’ have either claimed exemption or are divided.<sup>123</sup>

The Game Commission recommended the law be changed to require all Natives to buy licenses, claiming this “would not work a hardship” and would inculcate among the Natives “a sense of obligation to their Government and would be reflected in a better respect for the fur laws.”<sup>124</sup> Historian author Don Mitchell claimed that the Alaska Game Commission informally revised the rules to eliminate the troublesome “civilized” regulation, however in order to avoid “unfavorable publicity” it was not expunged from the books until 1938.<sup>125</sup>

As it was the game regulations were complicated enough, considering open and closed seasons, and open and closed game units. According to David Klein, a wildlife biologist for USFWS in Southeast Alaska in the 1950s, a standard defense of violators at the time when brought to court was that they had “lost their glasses and could not read the fine print of the regulation booklet.”<sup>126</sup>

### **The Utilitarian Conservation Movement**

The 1925 Alaska Game Law was strongly oriented toward utilitarian conservation in the tradition of President Theodore Roosevelt and his chief forester, Gifford Pinchot. The concept was to manage the nation’s natural resources on a scientific basis to provide the greatest good, for the greatest number of people, for the longest time. This was the so-

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<sup>123</sup> Hugh W. Terhune, “Annual Report of the Alaska Game Commission to the Secretary of Interior, for the period of July 1, 1930 to June 30, 1931” (Washington, Government Printing Office, 1931), 21.

<sup>124</sup> Ibid.

<sup>125</sup> Mitchell, 1997, 192.

<sup>126</sup> David R. Klein, “Wildlife Management and the Transition from Territory to Statehood” (Fairbanks UAF power point presentation to the Wildlife Society, 2008), 29.

called “wise use” of resources school of thought, based on the sustained yield philosophy.<sup>127</sup>

Frank Dufresne, a former U.S. deputy marshal in Nome, as well as a fur warden and later a game warden, served as executive director of the Alaska Game Commission from 1936 to 1944. He was a devoted advocate of the wise use school who believed that to obtain compliance, arrests alone were ineffective, and that above all it was necessary to educate the public about game regulations. To that end Dufresne, a self taught biologist with a passion for writing, authored some of the most widely-read books on Alaska wildlife ever written, such as *Alaska’s Animals and Fishes* and *No Room for Bears*, and countless articles in *Field and Stream* and other outdoor publications. “His administrative ability in handling public relations problems,” the U.S. Fish and Wildlife Service stated when he retired, and his skill at communicating in a simple fashion the need for regulations while also understanding the needs of the people of Alaska, resulted in his promotion to be overall chief of the USFWS Information Division in Washington, D.C., in 1944.<sup>128</sup>

### **U.S. Fish and Wildlife Service**

On the eve of World War II the Interior Department merged the Bureau of Fisheries and the Bureau of Biological Survey to create a new agency, the U.S. Fish and Wildlife Service (USFWS) which would be responsible for enforcing game laws during

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<sup>127</sup> Roderick Frazier Nash, *Wilderness: The American Mind*, fourth edition (New Haven: Yale University Press, 2001), 163.

<sup>128</sup> U.S. Department of Interior, Fish and Wildlife Service, Press Service, Press Release: “Frank Dufresne Retires from Federal Service,” June 20, 1950, <http://www.fws.gov/news/historic/1950/19500620.pdf> (accessed April 2, 2011).

the most tumultuous times in Alaska history.<sup>129</sup> Before World War II the vast majority of Alaskans hunted primarily to put food on the table, but with the coming of World War II and hundreds of thousands of soldiers, the era of intensive sport hunting began, though not without the staunch opposition of the Alaska Game Commission.

By October 1941 there were approximately 23,000 military personnel in Alaska; within two years the total had reached 154,500.<sup>130</sup> By no means were the Alaska game laws designed for this large surge in population. The Alaska Game Commission was convinced that if military personnel were allowed resident hunting privileges, it would endanger the game populations and the way of life for many Alaskans.

The highest profile case was that of General Simon B. Buckner, the head of the Alaska Defense Command, who in August 1941 had requested a resident \$1 hunting license, intending to kill a polar bear on a trophy hunt that fall in the Arctic. At that time, a nonresident was required to hire a guide, in addition to paying a \$50 license fee; Buckner wanted to do neither, claiming he was eligible as a resident because he had lived in Alaska longer than one year and planned to stay. The Alaska Game Commission denied Buckner's request. The law required a citizen of the United States to be "domiciled in the Territory of Alaska for at least one year for the purpose of making his permanent home in Alaska," and most military personnel intended to leave Alaska after their deployment.<sup>131</sup>

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<sup>129</sup> In May 1939 the Bureau of Fisheries had been transferred from the Department of Commerce to the Department of Interior.

<sup>130</sup> Sherwood, 1981, 140-41.

<sup>131</sup> Ibid, 126.

Governor Ernest Gruening, who had openly welcomed and promoted the military in Alaska, also worried about the impact on the wildlife in Alaska. Gruening had commented: "I am very fearful, of what will happen to our wildlife when the army boys have been here for a year and start taking out their resident hunting licenses."<sup>132</sup> At the time there were approximately twenty-five hundred moose in the Kenai Peninsula. Gruening remarked "there are 5,000 soldiers in Anchorage, every one of them no doubt eager to hunt and everyone a good shot."<sup>133</sup> Gruening concluded: "Our game will not stand up under the circumstances."<sup>134</sup> Eventually Buckner won the right in court to get a resident license, and though the Alaska Game Commission initially refused to comply, ultimately it acquiesced and reached an accord that gave servicemen resident hunting privileges after living one year in Alaska.<sup>135</sup>

Meanwhile relations between the military and the Alaska Game Commission continued to erode. Popular articles including some in *Field and Stream* accused the military of slaughtering Alaska game by aircraft. The military denied all accusations.<sup>136</sup> During World War II, hunting pressure and poaching in Alaska were minimized, but wildlife habitat did suffer severe degradation from the military in building roads, landing fields and outposts.<sup>137</sup>

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<sup>132</sup> Clause-M. Naske, *Ernest Gruening Alaska's Greatest Governor* (Fairbanks: University of Alaska Press, 2004), 57.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Sherwood, 1981, 137.

<sup>136</sup> Ibid. 139.

<sup>137</sup> Ibid. 141.

In 1945, Frank Hynes, the U.S. Fish and Wildlife's executive officer for the Alaska Game Commission reported that it was the worst year for game on record.<sup>138</sup> That summer, thousands of hunters swarmed over many remote areas of Alaska to kill big game animals; anything that moved was shot. Most of the animals were shot so far off the road or trail that the meat spoiled before it could be used. In one small area 12 cow moose (only bulls were legal) were found shot and rotting.<sup>139</sup> Some of the wardens, after seeing so many big game carcasses left in the field to rot observed that the hunters slaughtered game for "the joy of killing."<sup>140</sup> The annual report of the Alaska Game Commission for 1945-1946 stated that the flow of "discharged Army men desiring a last crack at the big game animals, and Alaskans trying to obtain meat for their larders" resulted in "more hunting and killing than in any one year in Alaska's history."<sup>141</sup>

The hunting pressure continued to increase after the war. The number of Alaska resident hunting licenses sold ranged from 9,000 in 1946 to 31,500 in 1955 and 1956, while nonresident hunting license rose to 1,400.<sup>142</sup> Even with the increased hunting pressure, USFWS improved game management mainly through better scientific research. The game populations were fairly healthy through the 1950s to statehood.

In the post World War II years there was more funding for wildlife management in Alaska through federal aid in wildlife restoration (Pitman-Robertson Act of 1937), the USFWS in conjunction with the Alaska Game Commission, began hiring university-

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<sup>138</sup> Ibid, 142.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Frank W. Hynes, "Annual Report of the Alaska Game Commission to the Secretary of Interior, for the period of July 1, 1945 to June 30, 1946" (Washington D.C.: Government Printing Office, 1946), 1.

<sup>142</sup> Sherwood, 1981, 143.



trained biologists to work with the wardens, which accelerated the transition to modern science-base wildlife management in Alaska.<sup>143</sup>

Leading up to statehood, USFWS had a force of 25 enforcement agents in Alaska and was planning to hire 25 more.<sup>144</sup> Congress was in the process of revamping the 1925 Alaska Game Law and had authorized hiring of additional enforcement personnel, but with statehood in 1959 this became a moot point. After statehood, USFWS started transferring personnel out of Alaska, reducing the total number of enforcement agents to 12.<sup>145</sup> Some USFWS agents and biologists transferred to the State of Alaska. The Statehood Act required USFWS to turn over to the Alaska Department of Fish and Game (ADF&G) all outlying stations, complete with housing, vehicles, boats, airplanes and other equipment.<sup>146</sup>

The 1925 Alaska Game Law was better than the previous two game laws in that the wardens were professional government employees and that the game commissioners were Alaskan residents who had some knowledge of Alaska's fish and wildlife resources. But in the eyes of many Alaskans it was still not good enough, because Alaska did not have control of its resources like other territories and states. Governor Gruening in his book *The State of Alaska* sums it up in the Alaskan perspective when he said: "While the act [1925 Alaska Game Law] constituted a substantial improvement of the previous inadequate Alaska game laws which had been the object of almost unrelieved criticism since the first enactment of June 7, 1902, it still fell short of Alaskans' expressed desires

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<sup>143</sup> Klein, 2008, 30.

<sup>144</sup> Ray Tremblay, *On Patrol: True Adventures of an Alaskan Game Warden* (Portland, Or.: Northwest Books, 2004), 8.

<sup>145</sup> Ibid. 8.

<sup>146</sup> Ibid. 9.

to manage their wildlife resources.”<sup>147</sup> Governor George Parks in his “1926 Annual Report to the Secretary of Agriculture” summed it up further by saying: the 1925 Alaska Game Law has “not proved to be satisfactory as was anticipated when the law was enacted” and the three Alaska Game Acts “while necessary, were in fact merely corrective of previous defective legislation.”<sup>148</sup> Alaskans wanted to control their fish and wildlife resources and as every year passed without the attainment of this objective, the desire grew more intense. When Alaska became a state in 1959, many Alaskans thought they would have the control they had sought for so long.

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<sup>147</sup> Ernest Gruening, *The State of Alaska* (New York: Random House, 1954), 281.

<sup>148</sup> *Ibid.*

### Chapter 3: The State Prepares to Take Charge

The Alaska statehood movement was first and foremost about attaining control of Alaska's natural resources.<sup>149</sup> Throughout the territorial years there was an incessant cry from Alaska residents to have an effective voice in the management of natural resources. This only happened following statehood in 1959, thanks in part to the provisions of the state constitution drafted in 1955 and ratified in 1956 at the University of Alaska, Fairbanks as part of the effort to win statehood approval from Congress.

Territorial history was the backdrop for the 55 delegates at the Alaska Constitutional Convention in 1955 - 1956. Jack Coghill, one of the delegates, vividly recalled that the delegates as a whole were extremely critical of the long pattern of federal management of Alaska's fish and wildlife resources.<sup>150</sup> The delegates believed it was important to safeguard fish and wildlife for the benefit of all residents, and to do so they had to tackle the most controversial issue in Alaska at the time, the "fish trap."

#### Fish Traps

In July 1939 Alaska Delegate Anthony Dimond succeeded in having a resolution passed in the House of Representatives calling for a full congressional investigation of the Alaska salmon fisheries.<sup>151</sup> The House Merchant Marine and Fisheries committee

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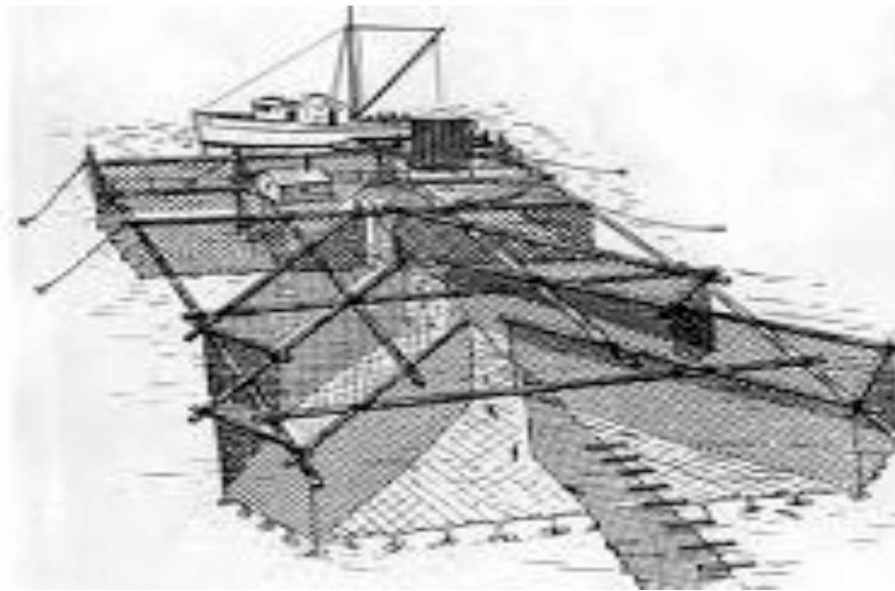
<sup>149</sup> Gerald McBeath and Thomas Morehouse, *Alaska Politics and Government* (Lincoln, NE: University of Nebraska Press, 1994), 124.

<sup>150</sup> Jack Coghill (delegate to the Alaska Constitutional Convention), Personal Interview by author on August 1, 2010.

<sup>151</sup> Richard, A. Cooley, *Politics and Conservation The Decline of the Alaska salmon* (New York: Harper & Row, Publishers, 1963), 149.

held extensive meetings both in Alaska and in Seattle. The primary demand from Alaskans was the abolition of the fish (salmon) traps.<sup>152</sup>

Fish traps were built in front of salmon spawning streams. These traps were essentially a large funnel shaped box constructed of logs with an opening facing the entrance of the bay to the spawning stream. Long weighted nets lined both sides of the log box and continued outward. Salmon heading to the spawning stream would swim inside the box and be trapped. A door in the back of the trap faced the entrance of the stream to allow escapements during closed fishing periods. Thousands of salmon could be caught in a trap and then off loaded into large tenders that would then transport the salmon to the canneries for processing (Figure 5).



**Figure 5:** Illustration of a of a fish trap by G.T. Sundstrom in *Commercial Gear of the United States*, Fish and Wildlife circular 109 as depicted in “Salmon Fish Traps in Alaska: An Economic History Perspective, by Steve Colt (February 15, 2000, page 8), <http://www.iser.uaa.alaska.edu/publications/fishrep/fishtrap.pdf> (accessed July 20, 2011).

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<sup>152</sup> Ibid, 150.

Because the fish canneries owned and operated the vast majority of the fish traps, the average Alaska fisherman (many who were Alaskan Natives) were limited to eking out a meager living from salmon that was not caught by the outside fish cartels. Traps were expensive to build and maintain; only large outside canneries could afford the cost. From 1915 to 1955 the salmon canneries owned an estimated 75 to 90 percent of the fish traps in the territory and 30 to 45 percent of all traps were controlled by the five principal companies.<sup>153</sup> Fish traps not only represented a valuable economic asset to the canneries, but they were also vital in maintaining control over the fish prices paid to the fishermen.<sup>154</sup> Resident Alaskans generally relied on net gear (purse seine and gill nets), which were very inefficient in comparison to salmon traps, and only caught a minuscule portion of salmon as compared to a fish trap.

The fish trap became the iconic symbol of outside control of the territory. Alaska delegate to Congress Anthony Dimond stated: “In its very essence a fish trap is a monopoly, a special privilege and it is not possible for the fisherman who catches the fish with other devise to make a living.”<sup>155</sup> George W. Rogers, a well known Alaska economist probably best described the resentment that Alaskans had for fish traps and their outside owners when he remarked: “the fish trap was looked upon by most Alaskans as the dipper with which the large absentee owner appeared to skim with relative ease the

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<sup>153</sup> Ibid, 31.

<sup>154</sup> Ibid, 139

<sup>155</sup> Alaska Department of Fish and Game, *Sustaining Alaska's Fisheries: Fifty Years of Statehood Part II, "Starbound,"* 2009, [http://adfg.alaska.gov/pubs/50years/docs/starbound 1949-1959.pdf](http://adfg.alaska.gov/pubs/50years/docs/starbound%201949-1959.pdf). (Accessed September 20, 2010), 4.

cream of one of the Region's most valuable natural resource, and then carried away to the Outside the fullest part of the wealth so garnered.”<sup>156</sup>

Besides the predominance of the fish trap, another aspect of the salmon fishery was the lack of federal spending on research and enforcement. British Columbia, with less than half the coastline of Alaska, spent twice the amount spent in Alaska on fish management (British Columbia spent approximately \$500,000 compared with \$223,000 in Alaska).<sup>157</sup> There were only four biologists located in a Seattle lab to handle all of Alaska's research and scientific needs. Due to a lack of funding, limited personnel, and marginal scientific research on salmon spawning streams and saltwater habitat, managing the fisheries in Alaska was viewed as a matter of “trial and error.”<sup>158</sup>

The most outstanding weakness was the inability to accurately measure the size of the spawning salmon escapements to the rivers and the lack of knowledge about the life and habits of the salmon in their ocean habitat.<sup>159</sup> The House Merchant Marine and Fisheries committee found that the Fisheries Bureau was slack in its administering of the fisheries in Alaska and was officially censured for the lack of enforcement and biological research.<sup>160</sup> The committee strongly recommended “the fisheries of Alaska should be administered by the United States not solely for the purpose of conservation as contended by some, but also as an Alaskan resource to be administered, controlled, regulated and

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<sup>156</sup> George W. Rogers, *Alaska in Transition: The Southeast Region* (Baltimore, Md.: The John Hopkins Press, 1960), 11.

<sup>157</sup> Cooley, 1963, 153.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid, 150.

operated in the interest of and for the benefit of the Alaskan people.”<sup>161</sup> The outsiders who operated the majority of the fish canneries and mining operations in Alaska wanted the federal government to continue to control Alaska’s natural resources, thus protecting their interests. These same outside interests were also adamantly against statehood for the exact same reason.<sup>162</sup>

In his history of the push toward statehood, Ernest Gruening thought the remarks of W.O. Smith, an Alaska fishermen, during a congressional hearing, summed the situation up perfectly: “Throughout the history of the regulation of the salmon fishery in Alaska by the Department of the Interior...the Department considered first the interest of the Alaska salmon industry, second the conservation of the fishery and third the interest of the people of Alaska.”<sup>163</sup>

Over the years the Alaska territorial legislature regularly demanded that USFWS halt the use of fish traps for conservation reasons. A territorial fishery agent once described the fish traps as “a giant octopus that grasps everything in its tentacles.”<sup>164</sup> This seemed particularly true during World War II, when the Secretary of the Interior was forced to stray from normal conservation measures due to the war effort. The salmon packers’ advertising slogan was “food fit for MacArthur’s men.”<sup>165</sup> Canned salmon was feeding the military and civilians alike and fishing seasons that previously had been

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<sup>161</sup> Claus-M. Naske, and Herman E. Slotnick, *Alaska A History of the 49th State*, second edition (Norman: University of Oklahoma, 1987), 112.

<sup>162</sup> This was mainly due to the hard lobbying efforts of the Seattle based salmon canneries and the “Alaska Syndicate” formed in the early 1900s by J.P. Morgan and the Guggenheim brothers who owned the Kennecott copper mine, and controlled much of Alaska’s steamship and rail transportation and a major portion of the salmon canneries.

<sup>163</sup> Ernest Gruening, *The State of Alaska* (New York: Random House, 1954), 407.

<sup>164</sup> Alaska Department of Fish and Game, “Starbound,” 2009, 4.

<sup>165</sup> Ibid.

closed were extended. Previous restrictions to protect fish stocks were relaxed, and this practice continued even after the war because the price and demand for salmon rose, putting greater pressure on the secretary of interior to continue to make it easier for the salmon packers to keep up production (Figure 6, Figure 7). Even after several years of disastrous salmon returns in Alaska in the late 1940s, over fishing was allowed to continue.<sup>166</sup> Alaskans viewed this as “federal mismanagement,” which helped fuel the movement for statehood and the abolishment of fish traps.<sup>167</sup>

In 1948, the people of Alaska voted overwhelmingly (at a nearly 8 to 1 margin) in a non-binding vote to eliminate the use of fish traps, but the Seattle-based fish canneries who owned the majority of the fish traps had Congress’s ear, and Congress was not swayed at all to ban fish traps or to grant Alaska statehood.<sup>168</sup>



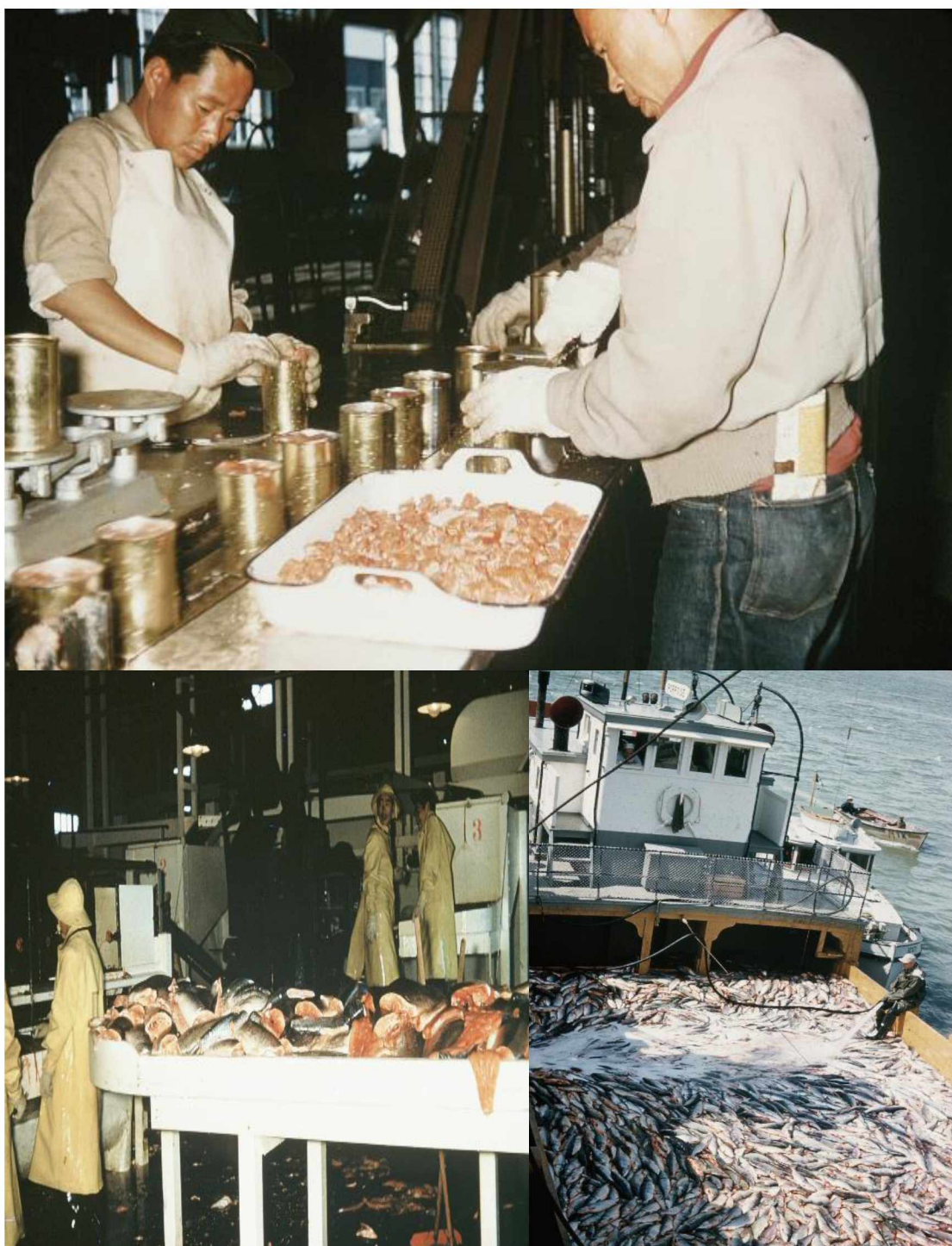
**Figure 6:** Bristol Bay sailboat gillnetter (1950s). Courtesy of author’s personal archives.

<sup>166</sup> Research in later years showed a distinct connection between Alaska salmon populations and a cyclical weather pattern called the Pacific Decadal Oscillation (PDO). Ocean changes may have contributed to the cause of the salmon decline along with over fishing or “federal mismanagement.”

<sup>167</sup> Ken Ross, *Pioneering Conservation in Alaska* (Boulder, Co.: University Press of Colorado, 2006), 371.

<sup>168</sup> Gerald E. Bowkett, *Reaching for a Star: The Final Campaign for Statehood* (Fairbanks: Epicenter Press, 1989), 74.





**Figure 7:** Bristol Bay cannery line and a tender offloading salmon to a cannery (1950s). Courtesy of the author's personal archives.

### **The Statehood Convention**

To advance the statehood movement, Alaskans convened a constitutional convention in 1955 to draw up a blueprint for the future state, which they hoped would help to convince Congress that Alaska deserved to join the Union. On November 8, 1955, Bob Bartlett, the territory's delegate to the US Congress set the tone for the management of Alaska's natural resources in his keynote address to the convention. Bartlett stressed that the delegates needed to lay a strong foundation for natural resources policy and management:

People of Alaska may well judge the product of this convention not by the decisions taken upon issues like local government, apportionment, and the structure and powers of the three branches of government, but rather by the decision taken upon the vital issue of resources policy.<sup>169</sup>

Bartlett concluded his address by stating: "The convention can demonstrate to the Congress and to the people of the United States... that Alaska's resources will be administered within the bounds of human limitations and shortcomings, for the benefit of all the people."<sup>170</sup>

Like the majority of Alaskans, the constitutional convention delegates were harshly critical of outside influences on Alaska. While the delegates as a whole were pro-resource development, they also did not want to repeat the mistakes of the past, so sustained yield and multiple use concepts were liberally sprinkled throughout the Natural

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<sup>169</sup> Gerald A. McBeath, *The Alaska State Constitution A Reference Guide* (Westport: Connecticut, Greenwood Press, 1997), 146.

<sup>170</sup> Clause-M. Naske, *Bob Bartlett of Alaska ... a Life in Politics* (Fairbanks, University of Alaska Press, 1979), 152.

Resources Article.<sup>171</sup> Above all they wanted to avoid the creation of special privileges and exclusive rights, and to guarantee common use and open public access.<sup>172</sup> William Egan, convention president and Alaska's first elected governor, remarked that the basic principle of the Natural Resources Article, Article VIII, was that fish and wildlife and other natural resources of Alaska were to be "utilized, developed and maintained on a sustained yield basis."<sup>173</sup>

A fierce debate during the convention concerned how the future state would control fish and game resources. Delegate Vic Fischer, who wrote a history of the convention, said that the issue of fish and game management was one of the "deepest controversies" of the convention, generating the largest barrage of both written and verbal communication that the convention received.<sup>174</sup>

Several sportsmen organizations advocated a commission system similar to the Alaska Game Commission, envisioning that fish and game would be managed in a non-political manner. Ira N. Gabrielson, president of The Wildlife Management Institute (WMI) and the past director of the U.S. Fish and Wildlife Service argued that fish and game management should be in the hands of a bipartisan commission established by the constitution.<sup>175</sup> Gabrielson's argument did not sit well with the majority of the delegates, many of whom believed fish and game had been mismanaged under the Alaska Game Commission and that salmon stocks had declined under his watch. It was a cardinal belief among the people of Alaska that the steep decline of the Alaska salmon harvest in the

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<sup>171</sup> Article VIII has eighteen sections which advanced the public interest theme of the Alaska constitution.

<sup>172</sup> McBeath, 1997, 146.

<sup>173</sup> Bowkett, 1989, 55.

<sup>174</sup> Victor Fisher, *Alaska's Constitutional Convention* (Fairbanks: University of Alaska Press, 1975), 135.

<sup>175</sup> *Ibid.*, 52.

1950s was due mainly to mismanagement of the resource by the federal government through USFWS, as the federal agents appeared to place the short term interests of the Seattle salmon canneries above the need to preserve salmon stocks for the future.

The resistance to any structure resembling the Alaska Game Commission sunk any chance of the creation of a new state commission, even if it could have been set up to be bipartisan and apolitical. Egan backed the establishment of a strong Department of Fish and Game under the authority of the governor, as he shared the belief that the salmon stocks were in a deplorable state because of the past practices of USFWS, which cared too little about the long term health of the resource.

To be accountable to the people of Alaska, the delegates wanted a strong voice for the legislature. Jack Coghill, who was on the resource committee, said the legislature “will do what the people wish them to do.”<sup>176</sup> Delegate Victor Fischer stated that sportsmen “have been given the wrong impression if they have been made to believe that our wildlife will be mismanaged under the state.... The only way to make this matter subject to good management and regulation is to have the legislature behind it, to make sure good laws are enacted.”<sup>177</sup>

The commission proposal of the sportsmen’s associations was stuck down by a vote of 34 to 21; fish and game resources were left for the legislature to administer through the passage of laws. The final wording of the natural resources article left no doubt about the chain of responsibility or the goals of the state, and summed up in 29

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<sup>176</sup> Ibid, 54.

<sup>177</sup> Ibid.

words the hopes and desires of Alaska residents and their resentment at federal control since the passage of the Alaska Game Law of 1902:

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people (Article VIII, Section 2).<sup>178</sup>

Another key decision of the convention on natural resources was Section 15 of the natural resources article that stated unequivocally: “No Exclusive Right or special privilege of fishery shall be created or authorized in the natural waters of the State.”<sup>179</sup> This was included to address the special privileges that had been granted to the salmon canneries by the federal government during the territorial years, specifically control of fish traps by outside corporations.<sup>180</sup>

The clause prohibiting granting of any “exclusive rights” to the fishing grounds was designed to dovetail with an ordinance recommending the abolition of fish traps. The delegates had decided that a fish trap ban did not rightly belong in the body of the constitution itself, but instead it should be put to a vote of the people along with the constitution itself. In April 1956, Alaskans ratified the constitution by an overwhelming margin of 17,447 to 7,180, but were even more enthusiastic about getting rid of the hated

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<sup>178</sup> Gordon Harrison, *Alaska's Constitution: A Citizen's Guide*, fourth edition (Juneau: Alaska Legislative Affairs Office, 2002), 129. Conservation is synonymous with protection. Section 2 grants constitutional authority to fish and wildlife enforcement in Alaska.

<sup>179</sup> Harrison, 2002, 128-139.

<sup>180</sup> John H. Clark, “The Commercial Salmon Fishery in Alaska.” *Alaska Fishery Research Bulletin*, Vol. 12, No. 1, Summer 2006. [http://www.adfg.state.ak.us/pubs/afrb/vol12\\_n1/clarv12n1.pdf](http://www.adfg.state.ak.us/pubs/afrb/vol12_n1/clarv12n1.pdf) (Accessed October 30, 2010), 4.

fish traps, and everything the traps stood for. The fish trap ban won with nearly 80 percent of the vote, by a margin of 21,285 to 4,004.<sup>181</sup>

When Alaska officially became a state on January 3, 1959, management of fish and game was not automatically transferred to the state. In part this was because the state had yet to set up the legal apparatus to take over its responsibilities to manage its resources, but it was also because of one last gasp by outside interests using federal strings to block resident control. The Alaska salmon industry assisted in securing a provision in the 1958 Alaska Statehood Act (Section 6, (e)) that delayed the transfer of authority to manage fish and game until the Secretary of the Interior certified to Congress that the Alaska Legislature had made “adequate provision for the administration, management and conservation of Alaska’s fish and wildlife resources in the broad national interest.”<sup>182</sup> The salmon canneries expected it would take about five years for the Alaska Legislature to comply with this clause. They had planned to continue to use fish traps.<sup>183</sup>

Among the initial affairs of the first Alaska State Legislature was to craft the State Organization Act of 1959, which created a dozen departments, including the Alaska Department of Fish and Game (ADF&G). Legislators empowered ADF&G to administer the state program for the “conservation and development of the state’s commercial fisheries, sport fish, birds, game, and fur bearing animals.”<sup>184</sup> This authorized the divisions of commercial fish, sport fish and game. The department was also authorized to

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<sup>181</sup> Naske and Slotnick, 1987, 169.

<sup>182</sup> Alaska Department of Fish and Game, “Starbound,” 2009, 3.

<sup>183</sup> Ibid.

<sup>184</sup> AS 44.39.020.

issue fish and game licenses, collect fish and game license revenue, and conduct all other acts incidental to the performance of these functions.<sup>185</sup>

Each of the 12 departments was to be headed by a commissioner appointed by the governor. Because the Alaska Constitution concentrated executive power in the governor's office to a far greater degree than in most states, the governor had free reign to choose all of his commissioners, except in two departments: fish and game and education. The commissioners of fish and game and education had to be selected from nominees submitted by the respective boards, but the governor could request additional nominations if dissatisfied with the list.<sup>186</sup>

Part of the reason why the two boards had this authority was to ensure wider public input into these two areas of government, and part of it was based on historical grounds. Also there was strong interest group pressure to support their autonomy. Before statehood, the territory had two boards: the Board of Education created in 1917 and the Board of Fisheries created in 1949. Presumably because of tradition and practice both boards transferred to the state in 1959, and the Board of Fisheries was promptly renamed the Alaska Board of Fish & Game.

### **Regulatory Boards and Advisory Committees**

The purpose of the fish and game board was for the conservation and development of the fisheries and game resources of the state. This was accomplished through the promulgation of regulations affecting use and development of fish and game

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<sup>185</sup> Ibid.

<sup>186</sup> McBeath and Morehouse, 1994, 122.

resources, and the establishment of local advisory committees. The board was empowered by state statute to make regulations and meet at least once a year.<sup>187</sup>

The fish and game board upon statehood had eight members (it was later enlarged first to ten and then twelve) with four-year terms. They had to be residents of Alaska and be appointed without regard to political affiliation or location of residence.<sup>188</sup> Prior to 1972, the governor was only able to remove a board member for inefficiency, neglect of duty, or misconduct in office.<sup>189</sup>

In 1959, the commissioner of ADF&G was an ex-officio secretary and was able to cast tie breaking votes if the Board of Fish and Game were deadlocked on an issue. In case of a conflict between the board and the commissioner on proposed regulations, public hearings were held concerning the issues in question. If after the public hearings, the board and the commissioner continued to disagree, the governor made the final decision.<sup>190</sup>

Beside the board of fish and game, the guide board administered through the Alaska Department of Commerce, Division of Occupational Licensing was also vital to wildlife management. This board, upon statehood was made up of seven members of whom no more than three held an Alaska guide license. In 1959, guide board members were required to be at least ten year residents with knowledge of fish and game resources,

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<sup>187</sup> AS 16.05.251, AS 16.05.255 and AS 16.05.300 (2010).

<sup>188</sup> AS 16.05.221 (a) (2010).

<sup>189</sup> By 1975 the duties of the Board of Fish and Game had become so heavy that it was split in half creating a new Board of Fisheries and a Board of Game.

<sup>190</sup> AS 16.05.270 (1959-2010).



appointed for a staggered four year term by the governor and to serve at the pleasure of the governor.<sup>191</sup> The guide board met at least twice annually.<sup>192</sup>

The boards have regulatory powers as set forth by their respective statutes, but did not have administrative, budgeting or fiscal powers, which were reserved to the governor and state legislature. The boards established a system of local fish and game advisory committees around the state that provide a forum for the collection and expression of opinions on fish and game issues. These advisory committees provide the fish and game board (later the fisheries and game boards), with recommendations for regulatory changes, and also had the authority from the Commissioner of ADF&G, to declare emergency closures during established seasons set by the boards.<sup>193</sup>

### **The Alaska Department of Fish and Game**

After the Alaska Fish and Game Code authorizing ADF&G and the Alaska board of fish and game was adopted in 1959, Secretary of the Interior Fred Seaton reported to Congress that Alaska had met the requirements of the Alaska Statehood Act, thereby transferring the control of fish and game resources to the state, in the following calendar year, January 1, 1960.<sup>194</sup> This started a new era for Alaska while closing the book on the Alaska Game Commission, which had been in existence for 35 years.

C.L. (Andy) Anderson had been director of the Territorial Department of Fisheries during its ten year existence, and when it became the Alaska Department of Fish and Game he became the first commissioner under Governor Egan. Anderson

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<sup>191</sup> AS 08.01.020 (2010).

<sup>192</sup> AS 08.54.600 (8).

<sup>193</sup> Ibid.

<sup>194</sup> Naske, and Slotnick, 1987, 166.

established the division of protection to be the enforcement arm of the department with commissioned protection officers, who would also be peace officers of the state, empowered to enforce all fish and game laws (title 16) and regulations (5AAC).<sup>195</sup> The new officers in the Division of Protection were direct descendents of enforcement officers in the original Alaska Department of Fisheries created by the 1949 territorial legislature. Those enforcement officers had been called fishery agents, and although the Territorial Department of Fisheries had no specific authority over fish and game, they provided a mechanism for scientific research and a review of federal regulations.<sup>196</sup>

The need for an informed and well equipped enforcement arm was obvious, as the increasing level of criminal taking of fish and game that had begun during World War II showed no signs of abatement. An abundance of surplus military gear, such as high caliber rifles, tents, packs, stoves, sleeping bags, etc., coupled with ever-improving means of transportation, including airplanes equipped with floats, skis and tundra tires, snow machines, jet boats, tracked and all terrain vehicles (ATV), enabled individuals to venture farther and farther out in remote areas where fish and game populations had never been intensely exploited or studied for sustainability. Unless the state took adequate measures to defend its resources, Alaska was ripe to be exploited. The next chapter explains the protection system for these resources.

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<sup>195</sup> AS 16.05.090 and AS 16.05.150 (enforcement authority).

<sup>196</sup> Clark, 2006, 3.

## **Chapter 4: The Division of Protection**

From the 1940s through the 1960s, Alaska was one of the fastest growing regions of the United States. The population grew by 77 percent in 1940s, followed by a 76 percent rise in the 1950s, and 42 percent in the 1960s. From a pre-war population of approximately 70,000, it topped 100,000 by 1950, 200,000 by 1960, and 300,000 by 1970. In 1961, there were 75,552 sport licenses (fishing, hunting and trapping) sold in Alaska, which was greater than the entire prewar population.<sup>197</sup> When Alaska assumed responsibility for managing and protecting its natural resources in 1960, the status of sport fish and game looked stable and bountiful, but with the large growth in population it was clear that Alaska's fish and game resources could not withstand unlimited hunting and fishing pressure. Most important was the sad state of the commercial fishing industry, which had been in decline since the late 1940s to statehood.

### **The Handover to Alaska Department of Fish and Game**

On December 11, 1959, Governor Egan wrote a letter to the members of the Alaska Game Commission commending them for their forward-looking and politically adept handling of the conservation of Alaska's fish and wildlife resources and for their unselfish service to the people of Alaska. Egan said it was "largely through the wise and persistent efforts of the Alaska Game Commission...that Alaska today assumes control of its natural resources with sport fish and wildlife in the excellent conditions which now

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<sup>197</sup> Alan Courtright, "Alaska Department of Fish & Game News Letter," *Alaska Sportsman* (April, 1962), 32.

exist.”<sup>198</sup> But while Egan claimed that “sport fish and wildlife” were in excellent standing, he maintained that the salmon stocks for commercial fishing were in a deplorable state because of the past practices of the U.S. Fish and Wildlife Service (USFWS). Egan’s charge to the Alaska Department of Fish and Game’s (ADF&G) Commissioner Anderson was “to rebuild Alaska’s salmon runs, no matter what it took.”<sup>199</sup> Anderson and his top three directors were all college-trained biologists, and his management strategy was to place the control of fish and game resources at the local biologist level. Anderson directed his fisheries personnel to help return the salmon runs to their former abundance, but he emphasized that he was more concerned with the long run health of the fishery, than any short term returns:

Each of you is to make sure that every stream in your district will be filled to the maximum spawning capability. If you allow an over escapement, depriving the fishermen of their livelihood, you can expect to be criticized, But on a personal level, I want you to understand that if you allow an under escapement, you can expect to be fired.<sup>200</sup>

Logically enough the Alaska Department of Fish and Game was initially staffed and supplied with officers and equipment from the old Alaska Game Commission. In late 1959, the Division of Protection started recruiting officers in order to take over the duties of the USFWS on January 1, 1960 (Figure 8).

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<sup>198</sup> United States Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife Region 6 – Alaska. “20th Annual Report, July 1, 1958 thru December 1, 1959, Alaska Game Commission” (Fairbanks: University of Alaska, 1959), 4.

<sup>199</sup> Alaska Department of Fish and Game, “Sustaining Alaska’s Fisheries: Fifty Years of Statehood,” Part III, “Taking Control,” <http://www.adfg.state.ak.us/pubs/50years/docs/takecontrol1960-1969.pdf> (accessed September 20, 2010), 12.

<sup>200</sup> Ibid.

### **Personnel who joined the Division of Protection upon Statehood**

#### **California Department of Fish and Game**

Jack Rhein (Director - 1960)

#### **Alaska Territorial Department of Fisheries - ADF&G**

Bud Weberg (Director 1961-65, 70-72)

#### **Alaska Territorial Police - Alaska State Police**

Claude St. Amand	Ed Martin	Phil Ames
Eugene Tautfest	John Broderson	Don DexterJames
Goodfellow (acting Director: August–December 1961 and Director 1972-75)		

#### **USFWS**

Buck Stewart (Director 1965-70)		
Fred Woldstad (Deputy director 1965-75, Director 75-80) *		
Larry Stoll	Dave Henley	Virgil Crosby
Fred Smith	Sid Morgan	Dan France
Bill Sholes	Bill Burns	

#### **US Marshals**

Bill Valentine Sr.	Dave Lanni
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#### **City Police Departments (PDs)**

O.R. McKinley (Kodiak PD)	Joe Brantley (Kotzebue PD)
Virgil (Red) James (Anchorage PD)	C.V. Henderson (unknown PD)

\* Fred Woldstad served as Acting Deputy Director from 1965 until 1969 when he was officially appointed Deputy Director of the Division of Protection.

**Figure 8:** Personnel who joined the Division of Protection upon statehood.  
 Courtesy of Buck Stewart's personal archives and through personal interview with author on July 7, 2010.

Ray Tremblay, an enforcement agent and pilot with USFWS in Alaska from 1953 to 1978, stated that after statehood USFWS turned over to ADF&G many of its outlying stations complete with housing, vehicles, patrol boats, aircraft, and other equipment, including one of the original USFWS hangers at Lake Hood and the land around it.<sup>201</sup> Tok and Glennallen were two of the first outpost stations transferred to ADF&G.<sup>202</sup> In 1960, Buck Stewart, a former Alaska USFWS agent and one of the first state protection officers remembered ADF&G receiving two - Grumman Gooses (twin engine amphibious aircraft), three - Piper Pacers (single engine), one - super cub (single engine), one - 90 foot marine vessel - the M/V Teal, several 38 foot diesel patrol vessels and full outpost facilities in Tok, Glennallen, Dillingham and McGrath from USFWS (Figure 9, Figure 10 and Figure 11).<sup>203</sup>



Figure 9: USFWS Patrol Vessel Teal. Courtesy of National Oceanic and Atmospheric Administration (NOAA) Photo Library, <http://www.photolib.noaa.gov/htmls/ship0456.htm> (Accessed July 20, 2011).

<sup>201</sup> Ray Tremblay, *On Patrol: True Adventures of an Alaska Game Warden* (Anchorage, Alaska: Northwest Books, 2004), 9.

<sup>202</sup> USFWS, "20th Annual Report," 1959, 34.

<sup>203</sup> Buck Stewart, personal interview by author in Fairbanks on July 7, 2010.



**Figure 10:** U.S. Fish and Wildlife Service Grumman Goose N7811. This Goose has flown for the USF&W Service, then transferred to the State of Alaska, ADF&G and then sold to Pen Air. It spent several years at the Kodiak base until Pen Air pulled out of Kodiak in 2000. N7811 Still flies for Pen Air. Courtesy of The Grumman Goose. <http://www.wdaguy.com/goose/058-N7811.gif> (accessed July 20, 2011)



**Figure 11:** ADF&G Glennallen outpost transferred from USFWS (1964). Courtesy of author's personal archives.

### **The Protection Officers**

The Division of Protection was responsible for the enforcement of laws and regulations to protect the state's fish and game resources. This included all aspects of commercial and sport fishing activities, game and fish guiding activities, fur trapping,

hunting and all subsistence activities. The division also administered the bounty payment program and predator control, issuing of sport licenses and permits, sealing of furs (Figure 12) and the state's hunter-safety program.<sup>204</sup>



**Figure 12:** Protection officer Gary Wohlfiel sealing brown bears (1963 – 64). Courtesy of author's personal archives.

The majority of the predator control and bounty programs, designed to protect the commercial salmon fishery, was unchanged from territorial days. During the 1950s and 1960s bounty hunting was so profitable in southeast Alaska that it was known as a welfare program for commercial fishermen.<sup>205</sup> There were also predator programs for foxes (along the Aleutians) and wolves and brown bears (on Kodiak Island). Because they lived and traveled throughout rural Alaska where there were few public officials, protection officers were some of Alaska's first licensing and sealing officers in the state.

<sup>204</sup> Fur sealing is required on certain furbearers and big game animals such as martin, otter, beaver, wolf, bear and sheep for scientific purposes. A metal locking tag is required to be put on most pelts before they are sold or leave the state to identify the pelt as being sealed in Alaska.

<sup>205</sup> Ken Ross. *Pioneering Conservation in Alaska*. (Boulder, Co.: University Press of Colorado, 2006), 305.



Monitoring commercial fishing and guiding violations was the first priority of the protection officer.<sup>206</sup> During the peak of the commercial fishing season, it was expected that all available officers would be in the field patrolling for potential violations. In the Interior, protection officers often spent a portion of their summer (two to six weeks) participating in various commercial salmon programs in the Bristol Bay, False Pass, Kodiak and Prince William Sound areas enforcing commercial fishing regulations.

Job requirements for a protection officer included a high school diploma, passing a written general aptitude test and an interview.<sup>207</sup> Each region had a protection officer in charge of all personnel in the posts, and each post had at least one or more officers and one or more seasonal aides (Figure 13). In 1961, the division of protection employed 13 protection officers, 15 protection boat officers, 1 pilot, 225 seasonal protection aides and 5 seasonal predator control hunters (see Table 1 and Figure 14: Graph of manpower figures from 1959 to 2010).<sup>208</sup> The protection staff faced enormous logistical and administrative challenges in protecting the resources of a state with half-a-million square miles of territory almost all of which was not accessible by road. On average each protection officer had to cover about 15,000 square miles, and according to department calculations during the first three years after statehood: protection officers traveled more than 2 million miles, including about 1,000,000 miles by air (Figure 15), 700,000

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<sup>206</sup> Author, through personal experiences/observations from 1960 to present and interviews with directors Stewart, and Woldstad confirm this statement.

<sup>207</sup> Don Tetzlaff (Protection officer and Deputy Director of FWP, 1962 - 1986), personal interview by the author on August 4, 2010.

<sup>208</sup> Alan Courtright, Alaska Department of Fish & Game News Letter, *Alaska Sportsman*, August 1961, 44.



**Figure 13:** Group photo of protection officers in the mid 1960's. Courtesy of Buck Stewart's personal archives.

Front Row from left to right: Claude St. Amand, Larry Stoll, John Broderson, Gary Wohlfiel, Joe Brantley, Bill Bellingar

Second Row: W.B. Steward, Fred Smith, Dave Henley, Chuck Lund, Bob Anderson, Fred Woldstad

Third Row: O.R. McKinley, Jerry Shelley, John Klingbeil, Don Roberts, Ed Martin, Bill Valentine Sr.

Fourth Row: Fred Shultz, Red James, Buck Holt, Gene Tautfest

miles by road, 500,000 miles by boat, 10,000 miles (Figure 16) by "snow tractors and swamp buggies," 10,000 miles on foot, and 500 miles by dogsled, which all told resulted

in more than one thousand citations and penalties of almost \$400,000 in fines and more than 50,000 days in jail.<sup>209</sup>

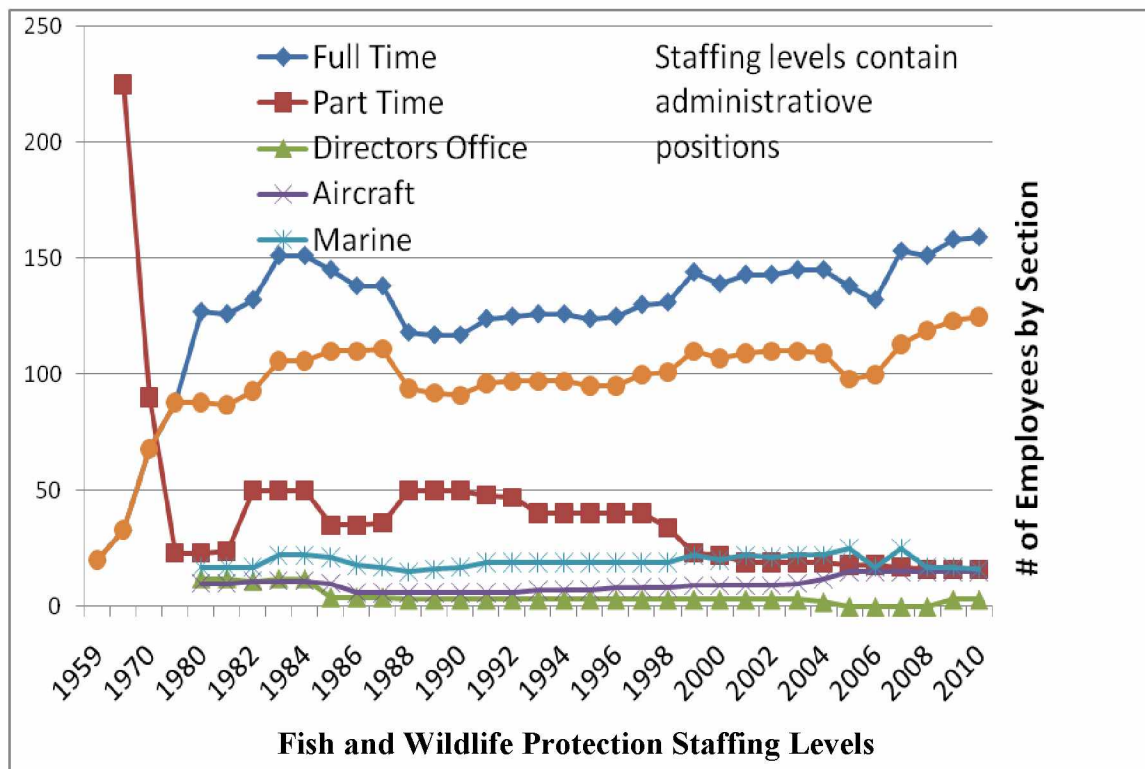
**Table 1:** Fish and Wildlife Protection: Budget and Manpower Figures.  
Data obtained from Alaska Legislative Information Office, Fairbanks. Fish and Wildlife Protection annual reports from 1959 to 2010, 2010.

	<i>Total Full Time</i>	<i>Total Part Time</i>	<i>Directors Office</i>	<i>Aircraft</i>	<i>Marine Fulltime</i>	<i>Investigations*</i>
1959	20		**	**	**	20
1961	33	225	**	**	**	33
1970	68	90	**	**	**	68
1979	**	**	**	**	**	88
1980	131	23	12	11	20	88
1981	130	24	12	11	20	87
1982	135	50	11	12	19	93
1983	154	50	12	12	24	106
1984	154	50	12	12	24	106
1985	147	35	4	10	23	110
1986	138	35	4	6	18	110
1987	138	36	4	6	17	111
1988	118	50	3	6	15	94
1990	117	50	3	6	17	91
1991	124	48	3	6	19	96
1992	125	47	3	6	19	97
1993	126	40	3	7	19	97
1994	126	40	3	7	19	97
1995	124	40	3	7	19	95
1996	125	40	3	8	19	95
1997	130	40	3	8	19	100
1998	131	34	3	8	19	101
1999	144	23	3	9	22	110
2000	139	22	3	9	20	107
2001	143	19	3	9	22	109
2002	143	19	3	9	21	110
2003	145	19	3	10	22	110
2004	145	19	2	12	22	109
2005	138	18	0	15	25	98
2006	132	18	0	15	17	100
2007	153	17	0	15	25	113
2008	151	16	0	15	17	119
2009	158	16	3	15	17	123
2010	159	16	3	15	16	125

\*Investigations includes: Commissioned Troopers and support personnel.

\*\* Data for all years not available.

<sup>209</sup> Alaska Board of Fish and Game, "Alaska Fish and Game Progress Report: 1960-62," Report No. 12 (Juneau, 1962), 48-49.



**Figure 14:** Graph of Fish and Wildlife Protection Staffing Levels from 1959 to 2010. Data obtained from Alaska Legislative Information Office, Fairbanks. Fish and Wildlife Protection annual reports from 1959 to 2010, 2010.



**Figure 15:** Protection officer Steve Reynolds on patrol by aircraft in the Brooks Range. Courtesy of Steve Reynolds's personal archives through G.W. Lister "Alaska Fish and Wildlife Protection Badges and Patches collection," <http://www.moosecop.net/Displays/Alaska/> (accessed July 20, 2011).



**Figure 16:** Unknown protection officer rowing out to his patrol vessel near Hollis on Prince of Wales Island. Courtesy of author's personal archives.

The statistics, however, were not as impressive as they might have been. During the 1960s there was no formal instruction for protection officers, and this caused problems when cases went to court. Although a duly sworn peace officer, the protection officer lacked the law enforcement training mandated by the Alaska State Troopers Division (AST) and municipal police departments. Important criminal cases of protection officers were often dismissed in court, because of lack of attention to legal procedures concerning arrests, and searches and seizures.<sup>210</sup> Overall, protection officers' cases led to

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<sup>210</sup> Ken Woldstad, "A Historical Narrative of Alaska's Fish and Wildlife Enforcement," Justice Practicum Paper - 6 credits (Fairbanks: University of Alaska, 1978), 21.



relatively few criminal convictions, because they had not been adequately trained in the techniques of professional law enforcement.<sup>211</sup>

### **The Lack of training**

The lack of legal training on the part of protection officers was matched by a lack of expertise in fish and wildlife matters of court officials. According to Bill Martin, a senior protection officer too often when a protection officer would submit a moose poaching case to the district attorney's office, the assistant district attorney would not devote the time to properly prosecute the case: "It could be as troublesome to prove misdemeanor moose poaching as felony murder, so it was no surprise that fish and game cases were rarely treated with high priority."<sup>212</sup>

Seldom did the job description or minimum qualifications for fish and wildlife enforcement officers include law enforcement as a primary responsibility. The ADF&G commissioner usually viewed enforcement duties as secondary to responsibilities in fish culture, stocking, game breeding, property damage control, creel/kill census efforts, wildlife surveys, stream damage violations, water/air pollution, and public information, education and hunter safety. Notwithstanding lack of specific mention, the fish and wildlife enforcement officer was expected to enforce all laws and regulations protecting fish and game resources. This system produced an enforcement/conservation officer who enforced resource laws and regulations by accident, incidental to other specific management tasks.

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<sup>211</sup> Ibid.

<sup>212</sup> *Anchorage Daily News*, "Hearings Show Officers Have Morale Problem," March 27, 1972.

Between 1960 and March 1972, protection officers in coastal areas spent approximately 65 percent of their time engaged in law enforcement work and 35 percent performing biological/resource management related duties. Protection officers in the Interior spent approximately 55 percent of their time engaged in law enforcement work and 45 percent performing biological/resource management duties.<sup>213</sup>

In 1970, the Protection Division received a federal grant to train thirty protection officers in law enforcement, and the first five protection officers graduated from an eight-week state trooper law enforcement class at the Sitka Department of Public Safety Academy.<sup>214</sup> This was the start of formal law enforcement training for protection officers. Although some protection officers, mainly supervisors (administrative) spent their whole career without attending the Public Safety Academy (trooper recruit class) or receiving any formal law enforcement training, those who enrolled received additional training in fish and wildlife identification, trapping, commercial fishing methods and means, and fish and game regulations along with solid instruction in general law enforcement.<sup>215</sup> Still the training program was hardly enough. In the 1970s one veteran Brown Shirt sheepishly admitted: “We have officers who do not know the difference between moose and caribou antlers, or trout from a salmon.”<sup>216</sup>

James R. Nutgrass, a senior protection officer who joined the division of protection in the mid 1960s, was one of the first protection officers to graduate from the

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<sup>213</sup> Fred Woldstad, personal interview by author in 1978.

<sup>214</sup> Alaska Department of Fish and Game, editing staff. *Alaska Fish Tales and Game Trails* (Nov-Dec, 1970), 25.

<sup>215</sup> Author. This statement is confirmed in several interviews with protection officers.

<sup>216</sup> K. Woldstad, 1978, 63.



Sitka academy in November 1970.<sup>217</sup> Nutgrass said he wished he had more fish and wildlife law enforcement training, but that the best teacher was experience, as “you just slowly learned on your own and by exposure to other officers.”<sup>218</sup>

While the protection officers were generally high school graduates, and self-taught naturalists, most of the ADF&G biologists were college-educated biologists and highly trained technicians. This followed the practice of the USFWS and the Alaska Game Commission in the decade before statehood. They hired professional biologists to work with game wardens and predator agents, and many of these same scientists moved to ADF&G upon statehood.<sup>219</sup> According to Dave Klein, a USFWS biologist who transferred to ADF&G, this accelerated the transition to modern science-based wildlife management.

Field biologists had been deputized by the ADF&G commissioner with the authority to enforce the fish and game code, but many refused to become involved in legal disputes, preferring instead to quietly pass news of possible violations on to a protection officer.<sup>220</sup> Generally the biologists chose not to issue citations as they wanted to appear as objective scientists and not “undercover agents.” If resource users came to see them as an arm of the police, locals would refuse to cooperate, knowing that any

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<sup>217</sup> Alaska Department of Fish and Game, editing staff (Nov-Dec, 1970), 25.

<sup>218</sup> Gerald Williams, *The Alaska State Troopers Golden Anniversary: 50 Years of History* (Anchorage: Alaska State Troopers Golden Anniversary Committee, 1991), 155.

<sup>219</sup> David Klein, “Wildlife Management and the Transition from Territory to Statehood,” Fairbanks UAF power point presentation to the Wildlife Society, 2008, 30.

<sup>220</sup> Pursuant to AS 16.05.150 (1). These statements reflect the author’s personal experiences/observations from 1960 to present. Several interviews of biologists and protection officers, including directors Stewart and Woldstad, confirmed this statement.

information they shared could be used against them.<sup>221</sup> Professor Dave Kline confirmed that state and federal biologists often overlooked violations so that the resource user would feel more comfortable around the biologist, especially in rural areas where many Alaska Natives lived a subsistence lifestyle.<sup>222</sup>

### **The Step Child Syndrome**

During the 1960s to the early 1970s some protection officers thought the biologists were disrespectful and condescending towards their colleagues in the Protection Division—the smallest operational division in the Department of Fish and Game—treating their brothers with badges as little more than junior partners and free labor.<sup>223</sup> This was what publisher Don Hastings of *The International Game Warden* magazine later called the “Step Child Syndrome” of the profession. “For the most part, we work for agencies that are dominated by another discipline,” Hastings wrote:

Such as biologists, government land caretakers, foresters, or in a few cases, state police. Granted, we are law enforcement people. We have similar training needs and we both enforce regulations. But there the similarity should end. WE ARE NOT POLICEMEN. WE ARE UNIQUE AND WE ARE SPECIAL! We are wildlife or conservation enforcement officers. And because wildlife officers were not policemen, he warned against the tendency to have them dress like, and mimic every police agency or program that gets recognition, and judged on the number of tickets that can be generated for a myriad of small offenses. Instead the wildlife

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<sup>221</sup> Al Cain, phone interviewed by author on September 12, 2010. According to Al Cain (ADF&G Law enforcement trainer) as of 2010, there were 400 deputized ADF&G Employees.

<sup>222</sup> Dave Kline (ADF&G and USFWS biologist and a UAF professor of Arctic Biology), personal interview by author on November 18, 2010.

<sup>223</sup> Williams, 1991, 155; K. Woldstad, 1978, 47.

officer's mission was to ferret out the serious violator who is harming the resource....<sup>224</sup>

The true test of protection officers' ability was not the wildlife crimes they uncovered, but the wildlife crimes they prevented. The only solution, according to Hastings, was for wildlife enforcement officers to start leading, not following. "Let's not try to be policemen, biologists or land managers, or try to wear any more of the hats someone is always putting on use."<sup>225</sup>

Alaska's protection officers knew the stepchild syndrome only too well. Several veteran protection officers described it bluntly by saying they felt as though they were the "bastard children" of ADF&G, that the division was always starved for funds, and existed only to help others do their jobs.<sup>226</sup> For example Dick Hemmen, a protection officer in Delta in the late 1960s, said he once spent an entire month assisting and providing direct supervision to five seasonal ADF&G technicians rebuilding pens and sorting out bison for a bison relocation project (Figure 17). Hemmen recalled that the project leader, a biologist in Delta, only visited them a few times and then returned to his office. But when the time came to transport the bison, headquarters ordered them to release the bison and take the pens down, because the biologist had failed to obtain the proper permits from the Bureau of Land Management (BLM) for the project. Hemmen said his

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<sup>224</sup> Don Hastings, "Step Child Syndrome," in *The International Game Warden Magazine* (Fall, 1984), 2.

<sup>225</sup> Ibid.

<sup>226</sup> Author, 8 officers interviewed in 2009-2010 by this author used the words "bastard children" to describe how they were treated in ADF&G and in DPS.

supervisor was unhappy with him for spending a full month performing biological work that was scrapped, while neglecting his law enforcement duties for that period.<sup>227</sup>



**Figure 17:** ADF&G bison pens in Delta (1964). Courtesy of author's personal archives.

Buck Stewart who's first duty station with the Division of Protection (1960) was in Tok said protection agents often worked more closely in the field with Alaska State Troopers (AST) than with ADF&G biologists, because the troopers were typically less desk-bound than the biology staff.<sup>228</sup> State troopers and protection officers generally patrolled alone, but they partnered when traveling together (Figure 18). When a state trooper needed to go to a remote camp or village for an investigation, often as not his pilot, boat captain or snow machine guide would be a protection officer, as the protection officer functioned as the main support, transport and backup in rural areas for the state

<sup>227</sup> Dick Hemmen (Employed as a protection officer/trooper/sergeant from 1968 to 1995, trained biologist and pilot), personal interview by author on November 9, 2010.

<sup>228</sup> Stewart, 2010. Stewart was also the director of the Division of Protection

police and other government officials. Without the Protection Division pilots and boat operators, AST troopers would typically be unable to patrol beyond the side of the road, unable to venture beyond the limited expanse of Alaska's skeletal highway system.<sup>229</sup>



**Figure 18:** Protection officer Red James and unknown state trooper investigating a brown bear mauling (1964). Courtesy of author's personal archives.

### **Restrictive Regulations and Resource Pressure**

Throughout the 1960s and early 1970s, ADF&G managed Alaska's fish and game resources at almost optimum harvest levels (the high end of the sustained yield principle formula). This was in response to resource users. But gradually ever more restrictive laws and regulations were enacted about the use of fish and game. Most notably in 1972,

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<sup>229</sup> AST normally chartered an aircraft to respond to complaints in rural communities off the road system when not traveling with protection officers.

voters amended the Alaska Constitution to allow a limited entry program for the commercial fisheries in Alaska. Thus, the Commercial Fisheries Entry Commission (CFEC) was born. Section 15 of the natural resources article was amended to read: “This section does not restrict the power of the State to limit entry into any fishery for the purposes of resource conservation.”<sup>230</sup>

Other examples were regulations against snagging sport fish.<sup>231</sup> Today snagging is not allowed in any fresh water stream in Alaska, but in the early 1960s, many Alaska fresh water streams were open to snagging by sport anglers with large weighted treble hooks. Although the fastest and most efficient way to catch a fish with a hook, it was also the most destructive to the salmon. A snagger might strike and shred the flesh of half-a-dozen or more salmon before landing a fish. As snagging in streams along the road system increased, ADF&G became concerned that some of those streams were receiving too much pressure.

Deputy Director Fred Woldstad of the ADF&G, Division of Protection believed that by 1971 the steady increase in hunting violations was due mainly to increased sport and recreational pressure.<sup>232</sup> He noted that continued growth of leisure time activities in the U.S., the rising population of Alaska, and the increase in tourism to Alaska, particularly the growing interest in seeing Alaska’s wilderness lands, all contributed to

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<sup>230</sup> Harrison, 2002, 139. This was very controversial at the time and still is today.

<sup>231</sup> Snagging is taking a fish that is hooked other than in the mouth. Weighted treble hooks make it easier to catch a fish, but they also can seriously diminish a fish’s life by causing diseases and eventually death by ripping pieces of flesh off the fish if not hooked properly.

<sup>232</sup> Fred Woldstad, “Wildlife Law Enforcement in Transition,” in *Alaska Fish Tales and Game Trails* (March/April, 1971), 4.

this problem.<sup>233</sup> Woldstad believed that additional pressures from city life, the yearning to escape into the wilderness, and the desire to participate in hunting would proportionally increase. This meant that more public education would be required to teach the growing flood of resource users the need to follow fish and game rules and regulations. Woldstad noted that every protection officer understood that effective conservation cannot be forced, because the heart of a successful program was an “enlightened public” that accepted the logic of conservation practices.<sup>234</sup>

### **The Conservation Officer Concept**

In 1960, ADF&G appointed “conservation officers” in Craig, Tok, McGrath, Nome, Sand Point and Yakutat. Initially the concept was designed to bridge the gap between the biologists and protection officers in posts not large enough to justify a full staff.<sup>235</sup> They were paid at a higher scale than standard protection agents, and performed three distinct functions: biologist, protection officer and most often pilot or vessel operator. The divisions of commercial fish, game, sport fish and protection shared the expenses. Conservation officers were primarily viewed by the public as protection officers. As more money and manpower became available in later years those stations were fully staffed by both biologists and protection officers.<sup>236</sup>

A turning point in the history of the Division of Protection arrived in 1970 when the lingering frustration between enforcement officers and other ADF&G staff came to a head, and then Commissioner W. H. Noerenberg announced he hoped to implement a

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<sup>233</sup> Ibid.

<sup>234</sup> Ibid, 5.

<sup>235</sup> Alaska Department of Fish and Game, “Fish and game Annual Report – 1959,” Report No. 11 (Juneau, 1959), 91.

<sup>236</sup> Stewart, 2010.

new expanded conservation officer concept in the Protection Division. Starting in 1971, in order to “broaden the effectiveness of the Division of Protection,” Noerenberg wanted to require that all new protection officers would have college degrees in fish and wildlife management. His intention was to fully integrate the enforcement arm of Fish and Game with its more general task of “public relations and field management/research programs.”<sup>237</sup>

The recommendation to turn all the protection officers into conservation officers met with considerable resistance by most protection officers. The overall feeling was that this was an attempt by ADF&G administrators to destroy the protection division as an effective law enforcement agency, forcing the officers to become science-based biologists like the more favored employees of ADF&G.<sup>238</sup> One beleaguered protection officer said the reality was that they were underpaid, inadequately trained, and so poorly equipped it was like “chasing a Cadillac in a model A.”<sup>239</sup>

In addition to the conservation officer initiative was the explosive issue of overtime pay. Due to amendments to the 1938 Federal Labor Standards Act (FLSA), the Alaska Department of Administration had been forced to implement new overtime pay policies for state employees. Protection officers, especially those in the field or working a case, could easily have to work 20 to 40 hours overtime a week. Previously they had not been paid for it, nor had they expected to be paid for it. The new ruling, however, ordered that approximately half of the protection officers—those in non-supervisory positions—

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<sup>237</sup> W. H. Noerenberg, “Commissioners’ Corner,” *Alaska Fish Tales and Game Trails* (Nov-Dec, 1970), 25.

<sup>238</sup> Chad Lively, a letter to protection officers referencing organizing an officer’s association, dated May 29, 1971.

<sup>239</sup> *Anchorage Daily News*, “Hearings Show Officers have Morale Problem,” March 27, 1972.



were now required to be paid overtime, while the more senior officers and supervisors would not receive overtime pay. As a result the lower ranking officers could earn hundreds of dollars more a week than their bosses. This not only caused instant resentment, but also depleted the departmental budget; there were insufficient travel funds left for the officers to go on patrol.<sup>240</sup> Besides the tension on over pay, the FLSA overtime ruling also eliminated any chance of truly effective law enforcement. A writer for the *Anchorage Times* said he could not “see how protection work can be ‘scheduled’ within a 37 ½ hour basis, with limited equipment, when poachers can operate discriminately on a 24-hour per day, 168-hour per week basis as they see fit.”<sup>241</sup> And the enforcement division, perhaps due to the stepchild syndrome, had long felt the need for additional funding. An angry big game guide said in 1972 that for ten years legislators had continually given “the protection division the very short and very dirty end of the stick,” and he pleaded that Governor Egan, who seemed all too eager to spend a “bundle of money on an 800-mile long disaster”—the Trans-Alaska Pipeline—should “at least DOUBLE the protection budget so that he perhaps someday might be able to take a grandson on a sheep hunt.”<sup>242</sup>

In response to these issues between May and July 1971 protection officer Chad Lively proposed that the only way to have an effective voice concerning the conservation officer idea and over-time pay, was to organize an officer’s association, along the lines of the Fraternal Order of Alaska State Troopers (FOAST), which had become the

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<sup>240</sup> *Juneau Empire*, “Fish, Game Dept. Braced for Gripes of Officers’ group,” March 17, 1972.

<sup>241</sup> Gary Fowler, *Anchorage Times*, “Halting Alaska Poachers: not a Part Time Job!” March 24, 1972.

<sup>242</sup> Gene Kvalvik, *Anchorage Daily News*, “An open letter from an angry guide,” February 20, 1972.

association for state troopers and had effectively campaigned for better pay, benefits and training for the state police. Lively believed that governor Egan and the legislature would be more inclined to listen to a unified group as they had with FOAST.

### **Alaska Fish and Game Law Enforcement Officer's Association**

In January 1972, protection officers while at an annual division meeting in Anchorage formed the Alaska Fish and Game Law Enforcement Officer's Association with the assistance of attorney Mark Rowland, who had previously facilitated the formation of the troopers' fraternal order (FOAST).<sup>243</sup> Bill Martin was chosen as president and chief spokesman, while Steve Reynolds was elected vice president. In addition to improvements in training, working conditions, and pay, the organization's main goal was a simple one: "to enable enforcement officers to continue performing their professional duties as law enforcement officers."<sup>244</sup>

On February 7, 1972, President Martin forwarded a letter with a copy of the articles of the Alaska Fish and Game Law Enforcement Officer's Association, with a signed list of the membership rolls which included almost the entire staff (49 protection officers signed the original charter) describing the association's intent to publicly advocate for issues and problems that were of importance to fish and game law enforcement to Governor William Egan (Figure 19).<sup>245</sup>

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<sup>243</sup> Steve Reynolds, e-mail and mail interview by author along with assorted written correspondence on December 16, 2010.

<sup>244</sup> Mark Rowland, Articles of the Association of Alaska Fish and Game Enforcement Officer's Association, January, 26, 1972.

<sup>245</sup> Bill Martin to Governor Bill Egan letter, February 7, 1972.

February 7, 1972

The Honorable William A. Egan  
Governor of Alaska  
Juneau, Alaska 99801

Dear Governor Egan:

I am enclosing herewith a copy of the Articles of Association of Alaska Fish and Game Law Enforcement Officer's Association. The Association was formed and constituted at an organizational meeting held in Anchorage on January 26, 1972, and the membership roll already includes almost 100 percent of the Fish and Game Protection Officers of the State of Alaska.

As set forth in the Articles, this organization will concern itself primarily with issues and problems that are of particular interest to Fish and Game law enforcement personnel; however, this concern will remain within the context of the overall best interest of all State employees and those of the citizens of Alaska. The members of the Association, both individually and collectively, have a vested interest in the Great Land. Please be assured that all our efforts will be directed toward making it even greater.

Very truly yours,

*W. R. Martin*

William R. Martin  
President

Attachment

*CC sent to:*

*Common Membership*

*H. Pease officer association*

*AFC-A*

*David Wehner*

*Debra Dizon (Board of Fish & Game)*

**Figure 19:** Letter to Governor Bill Egan from President Bill Martin of Alaska Fish and Game Law Enforcement Officer's Associations. Courtesy of Steve Reynolds personal archives.

They took pains to emphasize that the new association was not a formal union, but instead a lobbying organization dedicated to improvement of working conditions and officer morale (Figure 20) “We were mainly concerned,” one officer explained, “with obtaining professional recognition for our work as well as better working conditions.”<sup>246</sup>

**Officer Rolls of Association Members:**

- |                       |                         |
|-----------------------|-------------------------|
| 1. Allen, Jack        | 28. Nutgrass, Jim       |
| 2. Alward, Hall       | 29. Paul, Art           |
| 3. Bellingar, Bill    | 30. Redston, Rod        |
| 4. Blodgett, Frank    | 31. Reynolds, Steve     |
| 5. Branham, Carl      | 32. Roberts, Don        |
| 6. Brantley, Joe      | 33. Roscovius, Mike     |
| 7. Charles, Joe       | 34. Shaffer, Ralph      |
| 8. Christie, Maurice  | 35. Sharp, Frank        |
| 9. Conner, Phil       | 36. Smith, Fred         |
| 10. Converse, Clinton | 37. Smith, J. W.        |
| 11. Creamer, Ken      | 38. St. Amand, Claude   |
| 12. Eckoff, Ed        | 39. Stewart, W. B.      |
| 13. Everett, Sandi    | 40. Stultz, Mike        |
| 14. Fleek, Wayne      | 41. Tetzlaff, Don       |
| 15. Hemmen, Dick      | 42. Valentine Sr., Bill |
| 16. Jordan, Jack      | 43. Waarvik, Dave       |
| 17. Jordan, Terry     | 44. Whalin, Myron       |
| 18. Kashevarof, Pete  | 45. Wightman, Ed        |
| 19. Kellogg, Charlie  | 46. Willis, Jeff        |
| 20. Lewis, Alison     | 47. Winchester, Marilou |
| 21. Lewis, Ken        | 48. Winn, Jene          |
| 22. Lively, Chad      |                         |
| 23. Mann, Ralph       |                         |

**Permanent employees not a member of Association as yet:**

Alan Crane	Jon Chittenden	Al Thompson	Bob Brown
Dan France	Al Huba	Floyd Short	Florence Floreske
Flow Smith	Dawn Simpson	Zola Nutgrass	Eleanor House
Claudia Pierce			

**Figure 20:** Officer rolls of the Association of Alaska Fish and Game Law Enforcement Officer’s Association. Courtesy of Steve Reynolds personal archives.

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<sup>246</sup> Williams, 1991, 155.

Martin said the funding situation for the division was so dire because of administrative rulings about overtime and curtailment of travel due to lack of money, that two of the most important resources they were supposed to protect, brown bears and commercial fishing “will receive virtually no enforcement” for the next three months.<sup>247</sup>

As the crisis in the Protection Division became more widely known, hunting and fishing advocates feared the impact of the poor morale and staffing problems at the agency. As a result State Senator Bob Palmer, chairman of the joint Senate-House Resource Committee, ordered a hearing of his committee to investigate the situation.<sup>248</sup>

On Friday, March 24, 1972, the committee heard testimony from several protection officers on how the cutbacks and suggested limitations on overtime and travel would affect Alaska’s fish and wildlife resources. Noerenberg explained that he had implemented the reduction of overtime and travel expenditures on the 60-man division of protection, because it had only 10 percent of its budget left for the remaining five months of the fiscal year (see Table 2, Figure 21 for annual budget figures from 1959 to 2010).<sup>249</sup> Noerenberg also voiced annoyance with the protection officers, saying that he understood their complaints, but the other three divisions (game, commercial fish and sport fish) “worked equally hard and griped a lot less.”<sup>250</sup> Noerenberg commented that Governor Egan was also “quite disturbed” about the protection officer complaints, because they were not brought to him, but instead to the legislature and the press.

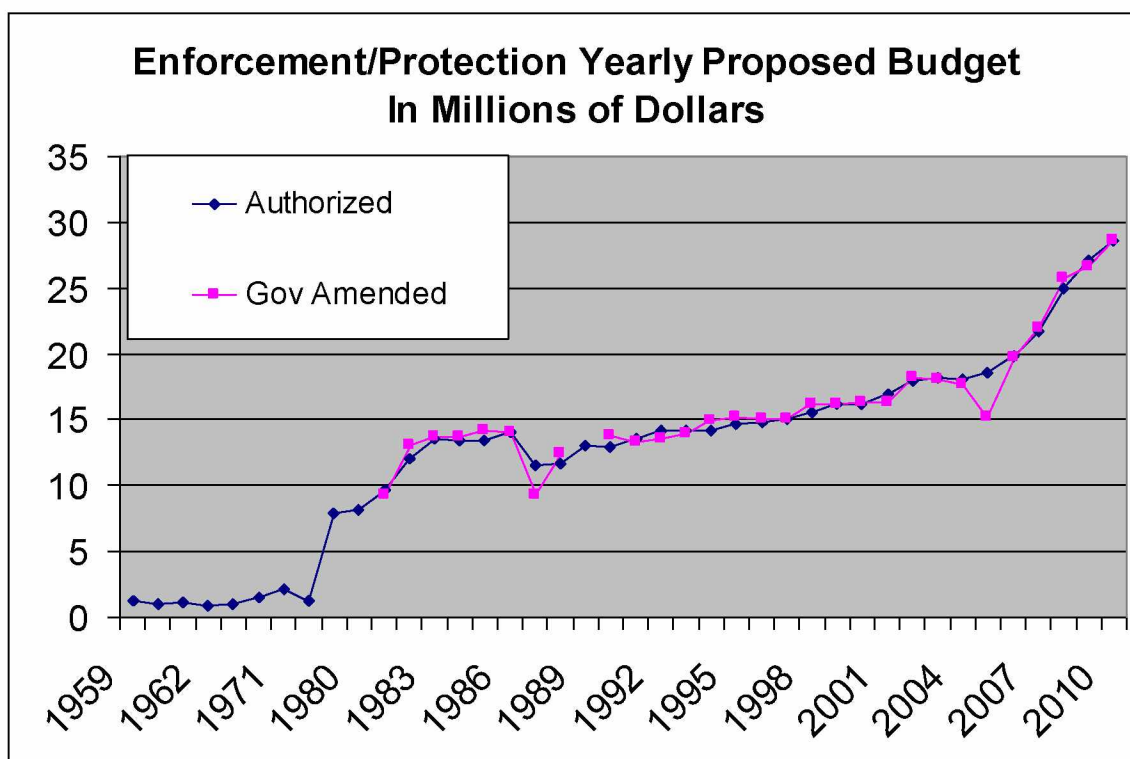
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<sup>247</sup> *Anchorage Daily News*, “Committees to Hear Testimony on Game Enforcement Policies,” March 22, 1972.

<sup>248</sup> Bill Martin to association members, Alaska Fish and Game Law Enforcement Officer’s Association news letter, March, 16, 1972.

<sup>249</sup> *Anchorage Daily News*, “Noerenberg, Protection Officers Clash at Hearing”, March 25, 1972.

<sup>250</sup> *Ibid.*



**Figure 21:** Graph of Annual Budgets for Fish and Wildlife Protection (1959-2010). Data extrapolated from Alaska Legislative Information Office, Fairbanks. Fish and Wildlife Protection fiscal budget figures from 1959 – 2010, 2011.

<b>Table 2:</b> Operating Budget for Fish and Wildlife Protection      Data extrapolated from Alaska Legislative Information Office, Fairbanks. Fish and Wildlife Protection fiscal budget figures from 1959 – 2010, 2011.		
<i>Year</i>	<i>Authorized</i>	<i>Governor Amended</i>
1959	1.202	* Dollar Amounts Shown in Millions except 1960
*1960	0.98173	
1961	1.0919	** Data not available for all years
1962	0.91187	**
1963	0.9995	**
1970	1.4581	**
1971	2.0863	**
1972	1.2135	**
1979	7.875	**
1980	8.1116	**
1981	9.6889	9.2889
1982	11.9999	13.0206
1983	13.5643	13.6433
1984	13.3782	13.7204
1985	13.4498	14.1398
1986	14.0946	14.0381
1987	11.5916	9.3223
1988	11.6283	12.3658
1989	13.0158	**
1990	12.9528	13.8279
1991	13.5966	13.36
1992	14.2028	13.5098
1993	14.1536	13.9441
1994	14.1378	14.9045
1995	14.6715	15.1719
1996	14.7699	15.0905
1997	15.0895	15
1998	15.556	16.1287
1999	16.2158	16.2158
2000	16	16.2805
2001	16.9063	16.2655
2002	17.883	18.18
2003	18.2456	18.0494
2004	18.0455	17.6384
2005	18.5447	15.1197
2006	19.8517	19.6371
2007	21.7442	21.9622
2008	24.9159	25.6562
2009	27.1362	26.5459
2010	28.5985	28.6142

To Noerenberg the issue was all about compensation. He said protection officers were only required to have a high school diploma, and already make more money than the 150 biologists, who all had college degrees.<sup>251</sup> Senator Palmer said the hearing showed that the enforcement officers suffered from a “tremendous morale problem” and the “lack of enforcement probably was a more serious cause of jeopardy to Alaska’s natural resources than deficits in other areas.”<sup>252</sup> Palmer further remarked that the protection officers were a dedicated group who only wanted to do their job, and legislators should try to give them that opportunity.

On Saturday, March 25, 1972, at a news conference in Juneau, Governor Egan said that in the face of the mounting discontent among the fish and game enforcement officers he would spend the next few days studying the merits of the most radical transformation of fish and game management since statehood: transferring the enforcement authority from ADF&G to the Department of Public Safety (DPS).<sup>253</sup> “Many people have always felt,” Egan said, “that in combination with the state troopers you would have a better fish and game enforcement operation... having them all under one roof working together might mean a much better job.”<sup>254</sup>

President Martin of the protection officer association said that Egan’s suggestion might work, as long the fish and game officers retained some of their identity as brown shirts: “To transfer us into the Department of Public Safety as an integral part would dilute our duties. To transfer us as a division specifically for fish and game law

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<sup>251</sup> Ibid. State biologists and supervisory positions were exempt from overtime compensation.

<sup>252</sup> *Anchorage Daily News*, “Hearings Show Officers Have Morale Problem,” March 27, 1972.

<sup>253</sup> *Juneau Empire*, “Egan May Shuffle Game Enforcement Duties,” March 25, 1972.

<sup>254</sup> Ibid.



enforcement possibly has some merit.”<sup>255</sup> As Martin said, “We in protection can’t alienate ourselves from the other divisions of ADF&G because without knowledge of what their problems are in resource management we cannot act as an enforcement tool, we have to be kept abreast of management problems and priorities.”<sup>256</sup>

### **The Transfer to DPS**

On March 28, 1972 Governor Egan signed Administrative Order No.16 transferring the Division of Protection to DPS (Figure 22).<sup>257</sup> Egan avowed that the Division of Protection could better accomplish its enforcement role in a department where “less emphasis was placed on biological fish and game management.”<sup>258</sup> He said his order was in response to “severe morale problems” among the Protection Division’s officers and that he hoped to repair “a schism caused by trying to mix law enforcement with basic management.”<sup>259</sup>

Egan expected that his order would lead to state trooper training for all protection officers, who would be outfitted identically as troopers. Egan also said he would consider boosting the Protection Division’s \$2.25 million dollar budget that year with a supplemental appropriation to help offset its budget restraints.<sup>260</sup>

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<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

<sup>257</sup> Article III, Section 23 of the Alaska Constitution authorizes the governor to move divisions from one department to another and unless disapproved by the legislature within sixty days of a regular session the transfer becomes law.

<sup>258</sup> *Anchorage Daily News*, “Enforcement of Game Laws Now a Public Safety Job,” March 29, 1972.

<sup>259</sup> *Juneau Empire*, “Egan Says Transfer Will Take Months To Achieve,” March 29, 1972.

<sup>260</sup> *Anchorage Daily News*, March 29, 1972.

## OFFICE OF THE GOVERNOR

## ADMINISTRATIVE ORDER

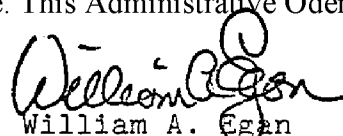
#16

Pursuant to the authority vested in me by Article III, Section 23 of the Constitution of the State of Alaska, it is hereby ordered:

1. That the Division of Protection within the Department of Fish and Game is now and hereafter shall be a Division within the Department of Public Safety;
2. That the Commission of Public Safety shall exercise full supervisory and administrative authority over all personnel assigned to the Division of Protection, over budgetary items allocated to the Division and equipment and facilities used primarily in its work and currently assigned to the custody of the Department of Fish and Game;
3. That the responsibility for the enforcement of statutes and regulations enacted or adopted for the protection of the State's fish and game resources which involve criminal or civil penalty shall henceforth be administered by the Department of Public Safety;
4. That this order is effective immediately as to the direction, supervision and administrative authority over personnel of the Division. The Commissioner of Public Safety is authorized, according to law, to make such changes in the organization of the Division and the assignment of responsibilities among its personnel as he deems appropriate to the efficient administration of the Division and the performance of its duties.
5. That during the transitional periods, the Department of Fish and Game in cooperation with the Department of Public Safety shall continue to do all things necessary or appropriate in the maintenance of administrative services, payroll maintenance, the upkeep of equipment and facilities and the exercise of other responsibilities necessary to assure a smooth transition;
6. That as the Commissioner of Public Safety determines the readiness of the Department of Public Safety to assume responsibility for such support activity, facilities and equipment he shall from time to time in consultation with the Commissioner of Fish and Game issue directives effecting such transfers which shall have the same force and effect as this order;

The transfer of the Division of Protection from the Department of Fish and Game to the Department of Public Safety constitutes a change in the organization of the executive branch and in the assignment of functions among its units conserved necessary for efficient administration and not requiring statutory change. This Administrative Order, implementing that transfer, takes effect March 28, 1972.

**Figure 22:** Governor Bill Egan's Administrative Order #16. A reproduction from the original at the State of Alaska, Office of the Governor. (Juneau: March 28, 1972).



William A. Egan  
Governor

It was clear that the tensions between the Division of Protection and the other divisions in ADF&G had risen to a point of hostility, which directly contributed to the transfer.<sup>261</sup> The ‘brown shirt’ protection officers now had a new home with the ‘blue shirts’ of the Alaska State Troopers, but the controversies over moving from the Department of Fish and Game to the Department of Public Safety had only just begun as we shall see in chapter 5 (Figure 23).



**Figure 23:** A “blue shirt” and a “brown shirt” trooper. Courtesy of the Fraternal Order of Alaska State Troopers (FOAST) Museum.<http://www.alaskatroopermuseum.com/> (accessed July 20, 2011).

<sup>261</sup> Williams, 1991, 155 and Stewart, 2010. Many protection officers believed that the newspaper reports and rumors of the organization of a union prompted the governor to transfer them over to Public Safety. Pat Wellington, Deputy Commissioner of Public Safety, thought Egan believed a lack of discipline and supervision in the Protection Division was the root cause of the morale problem and some alleged improprieties dealing with misuse of equipment. Another participant, Stewart believed Egan transferred the Division of Protection to reprimand ADF&G commissioner Noerenberg.

## **Chapter 5: The Brown Shirts turn Blue**

Governor William A. Egan’s transfer of the Division of Protection from the Alaska Department of Fish and Game (ADF&G) to the Alaska Department of Public Safety (DPS) in 1972 was a contentious issue for years among personnel in ADF&G, DPS and the Alaska State Legislature. Some staff within ADF&G—as well as fish and wildlife experts, lawmakers and hunting and fishing enthusiasts—believed strongly that the state’s fish and wildlife enforcement agency should have remained under control of ADF&G, however the consensus of the protection officers at the time of the transfer was that the law enforcement environment within DPS was a more congenial environment for their constitutional goals of preserving fish and wildlife resources for all Alaskans.<sup>262</sup> The transfer was the beginning of a radical reformation of fish and game enforcement in Alaska, a painful process of evolution that would continue in fits and starts over the next forty years, ultimately making the brown shirts of fish and wildlife enforcement indistinguishable from the blue shirts of general policing.

### **Governor Egan’s Administration: The Transition to DPS (1972 –1974)**

According to Public Safety Commissioner Emery Chapple (in March of 1972), Egan’s intention was to “completely integrate” the protection officers into the Division of Alaska State Troopers (AST).<sup>263</sup> In particular Egan seemed to believe there was a lack of discipline among the protection officers under the existing set up, and that the force

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<sup>262</sup> Ken Woldstad, “A Historical Narrative of Alaska’s Fish and Wildlife Enforcement,” Justice Practicum Paper - 6 credits (Fairbanks: University of Alaska, 1978), 46 – 47.

<sup>263</sup> Gerald Williams, *The Alaska State Troopers Golden Anniversary: 50 Years of History* (Anchorage: Alaska State Troopers Golden Anniversary Committee, 1991), 156.

would be better managed and more professionally run in Public Safety.<sup>264</sup> Deputy Commissioner Pat Wellington asked Egan what the “job title” of the transferred officers would be, and Egan responded they should simply be called “troopers.”<sup>265</sup> The transfer was an order, not a suggestion. Chapple explained that “all of the protection officers will have to agree to be transferred over to public safety or they would...be fired.”<sup>266</sup>

But the governor’s proposal met with immediate protests. Shortly after the administrative order was signed, Senate President Jay Hammond claimed that in Oregon, the only other state where fish and game management was left strictly in the hands of the state police force, officials generally believed the arrangement was a failure.<sup>267</sup> “I can understand why the governor might want to improve the fish and game situation,” Hammond said, “but he’s going to do it in a way that would devastate both departments.”<sup>268</sup>

Hammond’s ally Senator Bob Palmer charged that the new alignment under Public Safety would mean that fish and game enforcement could never again be considered a top priority by any agency of state government. In Palmer’s opinion it would be better to leave the protection division in ADF&G, so officers could

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<sup>264</sup> Ibid. Egan’s impression of the Division of Protection was tempered by an embarrassing incident during his first term when a protection supervisor took the Juneau district attorney moose hunting around Yakutat in a state aircraft. Egan received negative press coverage about the incident in the 1966 election campaign that he subsequently lost to Wally Hickel.

<sup>265</sup> Ibid.

<sup>266</sup> Bill Martin, phone interview by author on September 29, 2010. Martin contacted every officer in the association by phone to explain that if they did not agree to the transfer they all would be terminated; all officers agreed to the transfer.

<sup>267</sup> Dan Gross, *Anchorage Daily News*, “Enforcement of Game Laws Now a Public Safety Job,” March 29, 1972.

<sup>268</sup> Ibid.

“concentrate on their own problems.”<sup>269</sup> Hammond and Palmer both had threatened to call for a vote in the legislature to disapprove the transfer.<sup>270</sup> The vote never materialized however, because the Egan administration backpedaled, guaranteeing Hammond that the brown shirted cadre of protection officers would retain a semblance of their unique mission and identity, by creating a new division of DPS called Fish and Wildlife Protection (FWP), distinct from ordinary Alaska State Troopers.<sup>271</sup>

It should be noted that in the first part (1) of Governor Egan’s Administrative Order No. 16 (the transferring document), it explicitly stated: “That the Division of Protection within the Department of Fish and Game is now and hereafter shall be a Division within the Department of Public Safety.” Administrative Order No. 16 was signed by Governor Egan on March 28, 1972 and was prepared by Alaska Attorney General John Havelock.<sup>272</sup> Nowhere in this document does it mention the integration of the Division of Protection into the Division of Alaska State Troopers, nor does it mention “state troopers” at all (See Figure 17: Administrative Order No. 16, page 96). This order clearly stated that the Division of Protection would be a separate division within DPS.

On March 29, 1972, Commissioner Chapple met with personnel from the Division of Protection at the Holiday Inn in Anchorage. Chapple opened the meeting by saying “this marriage is going to take a lot of faith,” but he hoped the transition would be

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<sup>269</sup> Ibid.

<sup>270</sup> Ibid.

<sup>271</sup> Williams, 1991, 156. Emery Chapple and Jay Hammond agreed in a meeting that the Division of Protection would not be integrated into AST.

<sup>272</sup> Ibid.

a smooth one. “I want you to keep on doing what you’ve been doing all along,” he said. “I anticipate that you will all remain a “specialist” in your field of enforcement.”<sup>273</sup>

The transfer officially took effect on Saturday, April 1, 1972. While the majority of the 60-odd protection officers and divisional employees statewide moved to public safety offices by that April Fool’s Day, many details still needed to be worked out between ADF&G, DPS and the Department of Administration. Commissioners Emery Chapple and W. H. Noerenberg tried to agree on an equitable division of communal property (akin to a divorce). Most of the rural protection officers were pilots equipped with state aircraft, so DPS took possession of the aircraft section, and all of the planes and hangers; most of the ADF&G marine vessels were primarily equipped for scientific research, so the fleet of marine research vessels (excluding skiffs and runabouts which protection officers used for their enforcement patrols), remained with fish and game.<sup>274</sup>

The transfer of fish and wildlife enforcement to DPS in 1972 marked a new era for all protection officers, who immediately were transformed from peace officers, primarily charged with enforcing fish and game regulations, to members of a new division of state troopers responsible for enforcing all state laws, in addition to those covering fish and game. While under ADF&G, protection officers had performed various scientific duties, now under the DPS their broader responsibilities as troopers foreclosed such possibilities. Under DPS, the first priority of FWP officers was always the

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<sup>273</sup> *Anchorage Daily News*, “Chapple: Game Protection Marriage needs a lot of faith,” March 31, 1972.

<sup>274</sup> The aircraft section had certified airplane mechanics and senior pilots who were used as check pilots for the post pilots, because all of the pilots were required to have FAA rated certificates and check rides to maintain their certifications.

protection of the life and property of people, necessarily relegating fish and wildlife protection to a secondary status.

Once in DPS, FWP officers took a twelve-week class with other state troopers at the Alaska public safety training academy in Sitka. The majority of the training was in criminal procedures/law, firearms, arrest procedures, and report writing. In the last few weeks of the academy, FWP officers were given specific instruction in fish and wildlife enforcement. By 1976, 80 percent of FWP officers had completed state trooper academy training.<sup>275</sup>

The biggest challenge for most veteran protection officers after the transfer was the rigid, military-style hierarchy of the Department of Public Safety. In ADF&G, protection officers were independent and operated much like “free agents,” but the troopers had to adhere to a far more structured environment, with a strict chain of command and much tighter requirements for supervision, discipline and reporting.<sup>276</sup> When a DPS supervisor gave a trooper an order it was expected to be followed without question or hesitation, and not open to discussion as had been the case at ADF&G. Dick Hemmen, a senior enforcement officer, said he left DPS to take a biologist position, because he was forced to perform AST duties in the villages in his area, often to the detriment of his FWP duties. Many officers objected to the lack of individual discretion regarding which cases to pursue and when.<sup>277</sup> In the first two years after the transfer

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<sup>275</sup> Alaska Department of Public Safety, Division of Fish and Wildlife Protection, “Planning and Preliminary Report for FY 1976” (April 8, 1977), 141.

<sup>276</sup> Williams, 1991, 158.

<sup>277</sup> Dick Hemmen, personal interview by author on November, 9, 2010. Hemmen remarked he was the eleventh FWP officer to leave and there were a total of eighteen who left within two years of the transfer. Some officers left for personal reasons, some were fired for violating DPS policies and some took security



about one-third of the protection officers resigned or transferred, including Protection Director Bud Weberg and Bill Martin, the head of the protection officer association left DPS because they could not reconcile with its new direction.<sup>278</sup>

Under pressure from Governor Egan, Chapple believed that he needed to revolutionize the supervision of FWP personnel and instill more discipline in the ranks by bringing in senior officers from AST to manage the new Division of Fish and Wildlife Protection. The Egan administration's point of view was well summarized by Deputy Commissioner Pat Wellington, who praised Chapple's reforms. "Public Safety inherited a division," Wellington said later, "that was broke, ill-equipped, old-boyish, poorly managed, poorly trained and with low morale. Chapple was the amalgamator who put it back on track."<sup>279</sup>

Some of the protection officers agreed wholeheartedly that DPS was where they belonged. Steve Reynolds, who had started as a conservation officer in New Mexico in 1959, said Egan's transfer of the division to DPS was "the biggest favor" he could have done for wildlife protection, "though he was not thinking of the wildlife when he did it." Reynolds believed that under DPS the protection officers were finally in "an organization where the priority is professional law enforcement," even though it took at least two years "after the initial transition miseries that accompany the shock and reverberations of

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jobs on the Trans Alaska Pipeline System (TAPS) because the pay was higher. Hemmen and Bud Weberg returned to FWP two years later in Governor Hammond's administration.

<sup>278</sup> Martin, 2010.

<sup>279</sup> Ibid.

moving a whole division in with another,” until the wildlife enforcement unit finally had the “support and money” needed for effective operations.<sup>280</sup>

Captain James Goodfellow from AST became director of FWP in 1973, while Deputy Director Fred Woldstad of the Division of Protection in ADF&G since 1965, remained in that capacity in FWP with the rank of major.<sup>281</sup> Goodfellow recruited two other AST troopers to be his top assistants: AST Lieutenant Ray Rush became the enforcement commander of FWP, and Sergeant Robert Lockman, the AST supervisor of Kodiak took charge of both FWP and AST operations in Kodiak and the Aleutians.<sup>282</sup>

In 1973, all FWP officers were given the same ranks as AST personnel (trooper recruit, trooper, corporal, sergeant) and in 1974 five detachments were established: in Juneau, Anchorage, Fairbanks, Kenai and Kodiak.<sup>283</sup> At about the same time a three-person fish and game investigative unit was formed in the AST criminal investigative bureau (CIB) to investigate commercial fish and game violations.<sup>284</sup> Its main focus was on illegal big game guiding operations.<sup>285</sup> Steve Reynolds remarked that such an arrangement would not have been possible in ADF&G. He remembered a meeting in 1970 when ADF&G Commissioner Noerenberg was asked to support using undercover

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<sup>280</sup> Steve Reynolds, e-mail and mail interview by author along with assorted written correspondence on December 16, 2010. Reynolds also was a USFWS stream guard in Alaska in the summer of 1957.

<sup>281</sup> Alan Courtright, ADF&G News Letter, *Alaska Sportsman* (August, 1961), 44. Goodfellow in August of 1961, then a sergeant with the Alaska State Police went over to ADF&G as the acting director of the Protection Division and in December 1961 returned to the Alaska State Police, when Bud Weberg, an ADF&G fisheries biologist was appointed director of the Protection Division.

<sup>282</sup> Williams, 1991, 157. Lockman utilized both AST and FWP troopers randomly to support whatever function was a priority at the time.

<sup>283</sup> Reynolds, 2010.

<sup>284</sup> This was the first time an investigative unit was established to combat commercial fish and wildlife crimes in Alaska.

<sup>285</sup> Reynolds, 2010.

hunters to apprehend suspected illegal guiding activity, and Noerenberg haughtily replied, “We’re not playing that cloak and dagger shit.”<sup>286</sup> According to Reynolds:

We were ineffective in those days, a joke to many of the big-time poachers and illegal guides. While continuing to make most cases and arrests on the general hunting public, the most damaging guides were untouchable. Catching one in the act was next to impossible.<sup>287</sup>

### **Governor Hammond’s Administration: Growth Years (1974-1982)**

The move towards the full integration of the FWP into the AST was put on hold in 1974, when Jay Hammond became governor. Hammond had been a USFWS agent before statehood and a colleague of several FWP officers, who had generally supported Hammond in his campaign for governor, including Bill Martin. Given his experience in wildlife enforcement, Hammond was especially cognizant of the value of Alaska’s renewable resources, and the expertise required for managing and protecting fish and game.<sup>288</sup> He recognized that oil fueled Alaska’s economy, but eventually oil would be depleted, and Alaska’s future would depend on renewable resources such as forestry, fisheries, agriculture and wildlife.

The Hammond administration was the most bipartisan in the state’s history.<sup>289</sup> Although a conservative Republican, Hammond appointed Republicans and Democrats alike as commissioners and directors. He expected his appointees to resolve issues

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<sup>286</sup> Steve Reynolds, *Beyond the Killing Tree: A Journey of discovery* (Fairbanks: Epicenter Press, 1995), 160.

<sup>287</sup> Reynolds, 2010.

<sup>288</sup> Jay Hammond received a B.S. degree in biology from the University of Alaska in 1949.

<sup>289</sup> Gerald McBeath and Thomas Morehouse, *Alaska Politics and Government* (Lincoln NE.: University of Nebraska Press, 1994), 172.

through “give-and-take.”<sup>290</sup> Hammond appointed Richard Burton, an AST captain, as the commissioner of DPS and Bud Weberg as deputy commissioner. Burton had been a trooper in Dillingham when he first met Hammond. Hammond informed Burton that the leadership of FWP would be returned to FWP personnel.<sup>291</sup> His condition was that Bud Weberg would be in charge of FWP in the commissioner’s office and Fred Woldstad would be the director of FWP.<sup>292</sup> Woldstad had worked for USFWS in Dillingham through the 1950s and had worked with Hammond.

Burton appointed Pat Wellington as the director of AST. Wellington had advised Burton that Hammond might have some concerns about his appointment and that Burton should talk to him. Hammond informed Burton that he believed Wellington was “tainted by his Democrat predecessor Egan,” and he was not happy about the way Wellington and Chapple had “attempted to subordinate FWP to the overall law enforcement responsibilities of DPS.”<sup>293</sup> Wellington informed Hammond that “he works for the governor and whoever represents him.” Hammond accepted Wellington’s straight forward answer.

In the months immediately after his election, Hammond conferred with several people about whether to return FWP to ADF&G or keep it in DPS. While some staff in ADF&G wanted FWP returned to ADF&G, the FWP officers seemed resistant. Buck Stewart, who had worked with Hammond while they were both USFWS agents before statehood, told Hammond that he believed FWP should stay in DPS, because for the first

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<sup>290</sup> Ibid.

<sup>291</sup> Williams, 1991, 194.

<sup>292</sup> Ibid, and F. Woldstad, personal interview with author in 1977.

<sup>293</sup> Williams, 1991, 196.

time FWP officers were viewed as professional law enforcement officers.<sup>294</sup> Bill Martin encouraged Hammond to allow Fred Woldstad to decide whether to return FWP to ADF&G.<sup>295</sup> In a private meeting at Lake Illiamna, Fred Woldstad informed Hammond that FWP should remain in DPS, because the new structure had brought an increase in pay, working conditions, morale and training.<sup>296</sup> Steve Reynolds said Woldstad's advice was crucial in convincing Hammond to keep wildlife enforcement under the Department of Public Safety. According to Reynolds, Hammond sought out Woldstad for advice on how to deal with the mess that the previous administration had left and what to do with the division:

Fred wisely said we needed to stay with DPS, though I don't doubt that he had the same mixed feelings as did most of the rest of us who were dedicated to the work....Jay Hammond was no fool and was well-versed in fish and game matters...and there was a lot of pressure on him to transfer us back. It was Fred Woldstad who saved us from this happening.<sup>297</sup>

Upon Woldstad's recommendation, Hammond agreed to leave FWP in DPS, and while the issue of returning FWP to ADF&G continued to resurface in the state legislature every year through the 1970s, it never gained momentum.

Another crucial development occurred during this time that gave credence to FWP staying in DPS. In 1974, the federal Bureau of Sport Fisheries and Wildlife became

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<sup>294</sup> Buck Stewart, personal interview with the author on July 7, 2010. Stewart stated that at the time, the transfer to DPS was the right decision, but today he would have serious reservations.

<sup>295</sup> Martin, 2010.

<sup>296</sup> F. Woldstad, 1977.

<sup>297</sup> Reynolds, 2010.

the U.S. Fish and Wildlife Service (USFWS) with a Division of Law Enforcement.<sup>298</sup> U.S. game management agents were renamed as special agents and law enforcement became their primary duty and responsibility, instead of resource management. The conservation officer concept went out the door. Alaska was one of the first states to recognize that fish and wildlife law enforcement was a “full time profession.” Through the years traditional conservation officers in the U.S had been steadily replaced by full time professional fish and wildlife law enforcement officers.<sup>299</sup> In a 1978 survey all of the FWP officers who responded except one believed that DPS provided the best image of a professional fish and wildlife law enforcement officer.<sup>300</sup>

Regardless of where FWP was housed in the state bureaucracy, Hammond’s support for improved fish and wildlife protection never wavered. He supported major equipment acquisitions and increased manpower for FWP during his eight years in the governor’s mansion, and by the time he left office in 1982, FWP had 117 permanent commissioned officers, the highest staffing level in its history.<sup>301</sup> Furthermore until Hammond came into office, the FWP lacked sufficient marine vessels to enforce commercial fishery regulations in Alaskan waters—most of the fleet had remained with ADF&G. Two federal surplus 65-foot Army T-Boats, *P/V Enforcer* and *P/V Trooper*, and

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<sup>298</sup> USFWS, “Origins of Federal Wildlife Laws and Enforcement – Timelines.”

<http://training.fws.gov/History/TimelinesLawEnforcement.html> (accessed November 24, 2010).

<sup>299</sup> In chapter 1, Donald Hastings and William Morse discussed the full time law enforcement trend.

<sup>300</sup> K. Woldstad, 1978, 58. The author distributed a questionnaire to 30 FWP officers (21 responded) for his UAF Justice Practicum Paper - 6 credits, “A Historical Narrative of Alaska’s Fish and Wildlife Enforcement.”

<sup>301</sup> Alaska Department of Public Safety, Division of Fish and Wildlife Protection, “2002 Annual Report” (Anchorage, Alaska: 2002), 2.

a 100-foot Gulf of Mexico oil platform tender, *P/V Vigilant*, were acquired.<sup>302</sup> Later in 1978, a state bond was issued to build a 121-foot patrol vessel; the *P/V Woldstad*, modeled after a Bering Sea crab vessel (Figure 24).<sup>303</sup> These patrol vessels comprised FWP's first marine section and were the first state marine vessels used exclusively to police Alaska's high seas fisheries.



**Figure 24:** The Patrol Vessel Woldstad. Courtesy of Alaska Department of Public Safety, Division of Alaska Wildlife Troopers, “Patrol Vessel Woldstad,” <http://www.dps.alaska.gov/awt/woldstad.aspx> (accessed July 20, 2011).

<sup>302</sup> Bonds are authorized by the legislature and submitted to the voters for approval.

<sup>303</sup> The P/V Woldstad was named after FWP Director Fred Woldstad and was built in Freeland Washington. The P/V Woldstad was commissioned in 1982 and stationed in Kodiak. Colonel Woldstad was instrumental in the creation of the marine section.

### **Governor Sheffield's Administration: Cross Training (1982 – 1986)**

Bill Sheffield, a Democrat was an extremely partisan governor, and very few Republicans received appointments in his administration.<sup>304</sup> When businessman Sheffield replaced Hammond as governor in 1982, he came into office with the goal of cutting costs and running the government much like a private business; this was the impetus behind the renewed drive to fully integrate the wildlife enforcement division with the blue shirts of the Alaska State Troopers. Sheffield's Commissioner of Public Safety, Robert Sundberg, was the former police chief of Fairbanks. Mike Kolivosky took over as the new head of the division of AST, and Robert "Red" Henderson as the head of the division of FWP. None of them had any real experience in fish and wildlife enforcement, and they seemed determined to erase any distinctions between the two divisions.

Kolivosky recommended that one way to cut costs was to provide the same training at the DPS academy for all trooper recruits and eliminate the specialized training in fish and wildlife. Up to that time, FWP recruits received an additional four weeks of classes in their respective fields after two months of standard police training. Kolivosky called this "cross training."<sup>305</sup> All recruits would therefore be a "blue shirt trooper first." After the first year if an AST trooper wanted to be a FWP trooper, he could apply to transfer into FWP.<sup>306</sup> This meant that all future FWP Troopers would have to be recruited from within the ranks of the Alaska State Troopers based on seniority, instead of being

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<sup>304</sup> McBeath and Morehouse, 1994, 174.

<sup>305</sup> Cross training was later referred to as cross utilization, because FWP troopers were used to assist AST.

<sup>306</sup> Williams, 1991, 264. No FWP training was given during this time period.



recruited and hired specifically as fish and wildlife specialists as had been the previous practice.<sup>307</sup>

Symbolically, Sundberg took other steps to eradicate any differences between the two divisions, believing standardization of the entire force would cut expenses and increase productivity. He renamed FWP officers as FWP troopers, replaced protection officer badges with trooper badges, substituted standard white vehicles of the state police for the brown patrol vehicles of the old division and replaced the brown leather gear with the same black leather gear that AST wore.

Sundberg was convinced that FWP officers had a huge “number of down hours being wasted” and that a more efficient use of the brown shirts would be the most cost efficient way to carry out more general policing with less manpower.<sup>308</sup> He saw the slack in the Division of FWP as the answer to AST’s financial and staffing problems. It was true that during the winter months FWP patrol boats/vessels and airplanes were often tied up, and Sundberg advocated that during these times FWP troopers should assist in transporting prisoners, patrolling the streets for crime, and conducting other general law enforcement duties as assigned. Sundberg also had proposed to the Alaska Association of

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<sup>307</sup> One major drawback for FWP troopers was that the majority of the AST troopers transferring to FWP were troopers with high seniority, which trumped the seniority of many FWP troopers. All bid requests, leave requests, shift requests, and trooper layoffs were based on PSEA seniority. As a result, many of the FWP troopers who had been with the division since 1982 did not gain seniority for many years afterwards. Under an agreement with the Public Safety Employee Association (PSEA, the trooper union), FWP troopers had preference for bidding on FWP posts. All trooper recruits had to wait at least a year (until after their one year probation) before they could bid into FWP.

<sup>308</sup> Williams, 1991, 264.

Chiefs of Police (AACOP) that FWP troopers could assist local police forces by patrolling high crime areas inside some of Alaska's communities.<sup>309</sup>

But what looked on paper like a FWP winter slow season hardly existed in reality, as a vigilant FWP trooper would have to conduct proactive patrols year round to adequately carry out his job. As the Fairbanks chief of police for 17 years, Sundberg had no fish and wildlife enforcement experience; he failed to appreciate that many fish and wildlife investigations were logistical nightmares, often taking months to complete. He did not understand that trapping, hunting, poaching, and commercial fisheries occurred every day of the year. In fact it was during the winter that some of the highest-value commercial fisheries operated, such as king crab. Furthermore there was no closed season on poaching, and during the winter big game animals were the easiest prey for illegal taking because snow conditions drove them closer to roads and beaches.

Kolivosky's cross training concept relied on the premise that all troopers could and should handle any law enforcement task they encountered. In theory he believed that there was no difference whatsoever between the two divisions; he was convinced that AST troopers could enforce fish and game laws in most instances as effectively as the more specialized FWP troopers.<sup>310</sup> In reality however, cross training only worked one way, as AST hardly ever assisted FWP in its duties and program obligations, primarily in part because AST was very much understaffed in most posts and AST troopers did not have the time to be proactive as FWP officers by patrolling their areas regularly for violations.

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<sup>309</sup> Ibid.

<sup>310</sup> Ibid.

The Sundberg plan of essentially eliminating specialized fish and wildlife enforcement broke into the headlines in August 1985, when *Alaska Magazine* published a scathing report entitled “Alaska’s Game Wardens: An Endangered species?” The authors were Tom Gresham, editor of *Alaska Magazine* (and son of the famous nature writer and TV host C.H. “Grits” Gresham) and Ron Dalby, a former FWP trooper. Gresham and Dalby interviewed thirty FWP and AST troopers statewide, and the consensus was that FWP troopers were not able to perform their jobs adequately because they had been spread too thin, taking on the general tasks of AST and trying to make up for the general manpower shortages in DPS. Sundberg told Dalby and Gresham that in his mind the jobs of a policeman and game warden were interchangeable, and “protecting wildlife is the simple of the two.”<sup>311</sup> Tom Gresham said the notion that it took no special expertise to enforce fish and game rules was off the mark. “A game warden brings a different orientation to the job than does a policeman,” he wrote. “Both are dedicated, but towards their own areas. The dedication required to stay with a cold camp (no fire) for days, waiting for the violation he knows is coming, stems from a love of the resource as well as specialized training and experience.”<sup>312</sup> The common theme of the interviews was that FWP officers “would endure most of what is going on within the division if they were allowed to do their jobs – protect Alaska’s fish and game.”<sup>313</sup> According to Gresham and Dalby, the game warden in Alaska “is watching his organization, his job and his career

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<sup>311</sup> Tom Gresham and Ron Dalby, “Alaska’s Game Wardens: An Endangered Species?” *Alaska Magazine* (August, 1985), 16-17.

<sup>312</sup> Ibid, 15.

<sup>313</sup> Ibid, 17.

slowly slip away. The fish and game that he loves and is trained to protect will go unprotected, and he's powerless to do anything about it."

They quoted one unnamed wildlife officer who said: "We are pros in a very limited specialty field. Unfortunately neither the public nor other law enforcement professionals know what our specialty is all about and what our day-to-day work involves. They place no importance on our jobs—they think an untrained temporary can do it."<sup>314</sup> Bob Stickles, the former director of FWP (1980-1982), charged that the division had disintegrated slowly in the last several years. Stickles said if his goal had been to "eliminate Fish and Wildlife Protection with the least amount of public stir and the least amount of internal upheaval, I would nickel and dime it exactly the way that it has been nickeled and dimed so far."<sup>315</sup> In Sticklers' mind the elimination of FWP and merging of the protection officers with the troopers had been "so smooth and slow...that it hasn't raised the ire of legislators who are protective of fish and game. No one has realized it happened, excepting the troops involved."

Stickles left no doubt where he stood about the merger. "Somebody's got to start looking out for the resource," he said. "If they do combine the two divisions, the priority is going to be drunk drivers, robberies, rapes, and chasing tail lights. After a time, when the hard-core, dedicated professional game wardens in Alaska are gone, the people who are left won't really know how to tackle the job of protecting Alaska's fish and game."<sup>316</sup> Henderson, whom Gresham and Dalby also interviewed countered by stating that "he

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<sup>314</sup> Ibid.

<sup>315</sup> Ibid, 16.

<sup>316</sup> Ibid, 76.

would go back to the old ways of separate wardens and troopers if they could prove the changes in Public Safety are damaging the resources.”<sup>317</sup> Retired Deputy Director Don Roberts said he was deeply concerned with Henderson’s approach; it was obvious that he (Henderson) lacked the understanding of fish and game protection, because “by the time you can prove that it’s hurting the resource, it will be too late.”<sup>318</sup> The thirty FWP officers that Gresham and Dalby interviewed reported that they performed anywhere from 30 to 90 percent AST trooper duties outside of their FWP duties.<sup>319</sup> This added up to a huge portion of time (one third to almost full time) away from protecting fish and wildlife. Prevention is seldom quantified by statistics. It would be practically impossible to enumerate how many fish and wildlife was poached or how much of the resources were actually damaged due to the loss of FWP time. But it was becoming crystal clear that FWP officers were devoting an extraordinary portion of their time performing general trooper duties which in turn meant that there were less time devoted to protecting fish and wildlife.

Gordon F. Woods, an 11-year veteran of the Commercial Fish Division of the ADF&G said he read the *Alaska Magazine* article with dismay. “The gradual assimilation of the Fish and Wildlife Protection officers into the State Troopers has been a thorn in the side of virtually every Protection officer I know.” Woods was distraught about the future. “At the present time, the state with the most to offer in the way of fish and wildlife resources is the state doing the least to protect those resources. It is time to allow the men

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<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> Ibid, 17.

who should make up one of the most elite game warden services in the country to get on with their jobs.”<sup>320</sup>

After the story broke, Henderson accused his deputy director, Don Tetzlaff, who had started his career as a protection officer in ADF&G, of leaking information to the authors. Tetzlaff denied any involvement, but he reluctantly took an early retirement the following year after Henderson removed all of his enforcement supervision responsibilities.<sup>321</sup>

Kolivosky and Henderson wrote memoranda to their troopers downplaying the contentions in the magazine article and justifying their policies, but the controversy about the adequacy of the Sheffield administration’s commitment to fish and wildlife enforcement could not be stilled. In the fall of 1985, the Alaska House Special Committee on Fisheries began gathering information and testimony on the cross utilization of FWP troopers.<sup>322</sup> Many resource users, commercial fishermen, assorted outdoor groups, DPS management personnel and numerous FWP troopers submitted letters and testimony to the committee, including the author. The majority of the committee’s attention centered on Sundberg’s implementation of the cross training/utilization program and the fact that there was no longer any FWP trooper recruitment or training.

Upon completion of the hearings, the committee concluded that DPS was top heavy with supervisors and that the actual coverage of fish and wildlife enforcement in

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<sup>320</sup> Gordon F. Wood, “From Our Readers” in *The Alaska Sportsman* (December, 1985), 189.

<sup>321</sup> Don Tetzlaff, personal interview by author on August 4, 2010.

<sup>322</sup> Dave Thompson, Alaska House Special Committee on Fisheries: A Report and Recommendations on “Alaska’s Fish and Wildlife Protection Program” (Juneau: Alaska Legislature, April 3, 1986), 1.

the field was inadequate.<sup>323</sup> The legislators further recommended that fish and wildlife protection needed to be given a “higher priority.” One way would be to provide recruits with advanced training in wildlife; furthermore there should be clear distinctions between AST and FWP duties, and that FWP should retain its divisional status in DPS.<sup>324</sup>

Directly counter to the committee’s conclusions, the Sheffield administration continued to maintain the cross utilization program, and Henderson had suggested that FWP should be fully assimilated into AST.<sup>325</sup> Meanwhile the DPS academy in Sitka was at the point of closing its doors.<sup>326</sup> Before 1982, the academy normally graduated one to two trooper recruit classes annually with a class size of approximately 30 trooper recruits, but from 1982 through 1985 there were no academy classes whatsoever. Supervisory, in-service and specialized training programs were also eliminated. A trooper recruit academy class was held in 1986 but upon graduation some of those trooper recruits found that there were no positions available due to the administration’s policy of cost-cutting by allowing attrition in the officer ranks.<sup>327</sup> One of those recruits, Joe Masters recalled that only ten of the thirty odd trooper recruit candidates were hired immediately after graduation and it took some of them over a year and a half to be hired on with DPS (some never did get reinstated).<sup>328</sup>

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<sup>323</sup> Supervisors contribute marginally to the overall total of law enforcement cases, and some FWP troopers perform more AST duties than others based on their post assignment and experience.

<sup>324</sup> Thompson, 1986, 3.

<sup>325</sup> Williams, 1991, 263.

<sup>326</sup> Ibid, 289.

<sup>327</sup> Ibid, 273.

<sup>328</sup> Joe Masters (one of the ten recruits to be hired after graduation) personal interview by the author on February 25, 2011. During this academy class the trooper recruits were called “college interns” and after graduation were identified as “trooper recruit candidates.”

Both inside and outside the DPS, the administration appeared to generate little except ill will. Sheffield even failed to win re-nomination by the Democratic Party for a second term (largely because he was nearly impeached from office). By the time he left office, oil revenues had declined sharply, and the DPS was in a shambles with staffing down by almost 50 percent in four years. As Gerald O. Williams in *The Alaska State Troopers Golden Anniversary: 50 Years of History* explained, Sheffield and Sundberg “left a debilitated trooper organization as a legacy.”<sup>329</sup>

#### **Governors Cowper, Hickel and Knowles: Status-Quo Years (1986 – 2002)**

In 1986, Steve Cowper, a Fairbanks attorney and former Alaska legislator, was elected governor, and initially it appeared, due to the continuing fall of the price of oil, that there would have to be even further cuts in both FWP and AST. But in the spring of 1987, Cowper appointed Arthur English, a retired AST captain who was then in charge of Alyeska Security, to be commissioner of DPS. Born and raised in Seldovia, a commercial fishing community outside of Homer, English had been a commercial fisherman and had a strong background in accounting. He was personable and well respected by most AST/FWP troopers.<sup>330</sup>

English bluntly informed Cowper that DPS was in a critical financial situation. The cuts to DPS under Governor Sheffield had gone “way beyond trimming the fat and had dug deeper into the muscle than anyone had imagined.”<sup>331</sup> English believed that additional cuts would require a massive layoff of troopers, and the “emasculat

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<sup>329</sup> Williams, 1991, 289.

<sup>330</sup> Ibid, 292. The author also confirmed this statement and has witnessed several instances where English was well received by the rank and file in DPS.

<sup>331</sup> Ibid, 289.



training program” would make it impossible to replace troopers in the future.<sup>332</sup> English persuaded Cowper and the legislature that further layoffs and closing the DPS academy would be ineffectual.<sup>333</sup> A supplemental appropriation stopped the trooper layoffs and enabled the police academy to remain open.

English informed Cowper that while he believed Governor Egan’s transfer of the protection officers to DPS had been a wise decision; he was convinced that the two divisions needed to remain apart. He also maintained that a complete merger would not guarantee improved performance anyway, because having had its independence challenged on so many different occasions; FWP had become committed to safe guarding its status at all costs.<sup>334</sup> To boost morale, protection officers needed law enforcement training and recognition as members of a professional law enforcement organization.<sup>335</sup> The Sheffield administration’s attempt to eliminate the Fish and Wildlife Protection Division was long remembered as both a public relations and procedural blunder.

Governor Cowper declined to run for a second term and Governor Wally Hickel a partisan Republican was elected to his second administration on the Alaska Independence Party ticket in 1990. An adamant pro-development advocate he replaced all political appointees and board members with predominately white male Republicans who had similar pro-development views. He also fired the members of the fisheries and game boards and replaced them with people who opposed Native subsistence rights.<sup>336</sup>

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<sup>332</sup> Ibid, 290.

<sup>333</sup> Ibid, 293.

<sup>334</sup> Ibid, 305.

<sup>335</sup> Ibid.

<sup>336</sup> McBeath & Morehouse, 1994, 177.

In 1994, Tony Knowles, a Democrat narrowly won over the Republican candidate Jim Campbell and again won a second term in 1998, this time overwhelmingly against Republican John Lindauer and write-in candidate Robin Taylor. Knowles was pro-Native rights, but still advocated pro-development in Alaska. Both Hickel and Knowles did not make any major changes to DPS or FWP. It was very much status-quo, even though the state faced several years of deficits with a few surpluses.<sup>337</sup>

There was a healthy competition between AST and FWP, but the relationships remained cordial. They were “brothers in arms,” in a family of troopers, who affectionately referred to each other as either a “brown shirt” or a “blue shirt.” The public also started to differentiate between the two state troopers as brown shirts and blue shirts. The FWP trooper had maintained his own identity, as a professional law enforcement officer who specialized in fish and wildlife enforcement. The FWP trooper was still a state trooper first, but his primary duties were fish and wildlife enforcement. Without question, “public safety” was and still is DPS’s most important function. The mission of FWP during these years remained the same and had been essentially the same since being transferred to DPS in 1972. Despite chronic budget problems and staffing shortages over the next two decades, the idea of doing away with FWP to make up for shortages in AST staff did not resurface until the administration of Governor Frank Murkowski in 2003.

### **Governor Murkowski’s Administration: The Merger (2002 – 2006)**

Upon being sworn-in as governor, Murkowski recalled that Alaskans who had voted for him wanted a governor with “leadership, accountability” and they wanted the

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<sup>337</sup> Alaska Legislative Research Report 05-170. Alaska Fiscal History: Fiscal Years 1975-2004 (Juneau: Alaska legislature, 2005), 4.

future for Alaska to be “built on a foundation of hard work and on resource wealth.”<sup>338</sup> One of Murkowski’s campaign promises had been to provide an incentive to investors by “streamlining the state’s regulatory and licensing practices for resource extraction.”<sup>339</sup> Joel Hard, director of FWP since March 2000, read Murkowski’s transition team report on DPS in early 2003, which called for the merger of FWP with AST.<sup>340</sup> Although offered the chance to head the combined division of AST and FWP, Hard wrote a strong worded rebuttal memo to members of the transition team, calling the report highly unprofessional, poorly researched and politically motivated.<sup>341</sup> Hard firmly believed assigning FWP troopers to take low priority police service calls for the manpower starved AST would make it impossible for the FWP to protect the resources that needed protecting.<sup>342</sup>

The transition report alleged that the FWP mission was unclear because its troopers failed to perform more general law enforcement duties, and that trooper morale in the division was low.<sup>343</sup> Director Hard countered that the low morale was definitely in the short-staffed AST, snowed under by reams of paperwork and dozens of open cases for each trooper.<sup>344</sup> AST troopers would routinely observe FWP troopers going out in the field patrolling in planes, boats, snow machines, and all terrain vehicles (ATVs), while they (AST) were continuously responding to calls in their highway patrol vehicles. There

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<sup>338</sup> Jerry McBeath, Matthew Berman, Jonathan Rosenberg and Mary F. Ehrlander, *The Political Economy of Oil in Alaska* (Bolder, Co: Lynne Rienner Publishers. 2008), 1.

<sup>339</sup> Ibid. FWP routinely assisted the ADF&G Habitat Division in investigating habitat cases, including all natural resource cases deemed serious enough to be filed as criminal.

<sup>340</sup> Joel Hard, personal interview by the author on February 8, 2011.

<sup>341</sup> Joel Hard to Rick Urion in 2003 in a memo, reference DPS transition team report.

<sup>342</sup> Ibid.

<sup>343</sup> Ibid.

<sup>344</sup> Hard, 2011.

was a definite perception by some AST troopers that FWP troopers were out playing with their “expensive outdoor man toys,” while they were burdened with most of the public safety’ related work.<sup>345</sup>

In March of 2003, Murkowski’s Commissioner of Public Safety, William Tandeske, a 26-year trooper veteran who had retired as deputy director of AST in 1999, announced the plan to merge FWP into AST. He said DPS had become stretched thin by budget cuts and a shortage of troopers while drug and alcohol related crimes had increased. Tandeske said there were significant fiscal challenges ahead for all government in Alaska: “We must think broadly and plan for long term success.”<sup>346</sup>

On August 4, 2003 Public Safety Commissioner Tandeske announced the FWP merger into AST, by the formation of a new statewide bureau—similar to the Criminal Investigation Bureau (CIB)—called the Alaska Bureau of Wildlife Enforcement (ABWE).<sup>347</sup> Fish and wildlife enforcement no longer had divisional status, and the members of the newly formed ABWE were issued the same blue uniforms as all other Alaska State Troopers. Shortly thereafter “brown shirts” ceased to exist and thereafter reluctantly became “blue shirts.” On paper the mission of ABWE remained the same as before; however, the duties of ABWE troopers were indistinguishable from those of regular state troopers.

Tandeske defended the action by alluding to “mission creep,” saying “every once in awhile you need to reassess what you’re doing and why you’re doing it and the proper

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<sup>345</sup> Ibid.

<sup>346</sup> Bill Tandeske, “Commissioner’s Comments,” *The DPS Quarterly*, Department of Public Safety (June, 2003), 1.

<sup>347</sup> Bill Tandeske, “Commissioner’s Comments,” *The DPS Quarterly* (winter, 2003), 1.

support structure for that work.”<sup>348</sup> He saw restructuring as a way to reduce duplication of the two trooper divisions and to improve communication, and although Tandeske stated that the core mission of the department would not change, the new ABWE served an expanded function: “to provide a trooper presence in remote areas of Alaska where little or no other law enforcement exists.”<sup>349</sup> According to Tandeske, troopers who had been protecting Alaska’s fish and wildlife resources (FWP troopers) would continue to do so, but during “slow periods” would help with traditional AST duties.<sup>350</sup>

Tandeske’s critical observation (about slow periods) was based on a superficial study by Deputy Commissioner Ted Bachman who suggested FWP troopers had ample time to conduct traditional trooper duties.<sup>351</sup> Major Joe Masters, who was the deputy director of AST during the merger, presented another point of view by contending that FWP troopers did not necessarily have slow time; they just had some less productive personnel as did AST. If a trooper was vigilant in his duties there would not be any slow time. Masters remembered that Tandeske had commented on several occasions about a FWP trooper in Kotzebue who had only handled three cases in the previous year.<sup>352</sup> The Kotzebue trooper became a poster child for the argument that FWP troopers had an abundance of slow time. Masters remarked that “we have some troopers for what they

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<sup>348</sup> Joel Gay, *Anchorage Daily News*, March 31, 2003, “Troopers may merge 2 divisions – Move would blend Fish and Wildlife officers with their blue-shirted counterparts.” <http://www.adn.com> (Accessed April 22, 2009), 1.

<sup>349</sup> Alaska FY2005 Governor’s Operating Budget. 2004. Department of Public Safety ABWE office Component budget summary [http://www.gov.state.ak.us/omb/04\\_OMB/budget/PublicSafety/comp492.pdf](http://www.gov.state.ak.us/omb/04_OMB/budget/PublicSafety/comp492.pdf) (Accessed February 28, 2009), 3.

<sup>350</sup> Ibid.

<sup>351</sup> Ibid.

<sup>352</sup> Joe Masters (who had been a FWP captain prior to the merger, an AST major during the merger and commissioner of DPS from 2008-2011), personal interview by the author on February 25, 2011.

know, not what they can do.”<sup>353</sup> These troopers (AST/FWP) were inactive and were not performing to their potential. They waited for cases to show up at their doorstep or personally handed to them instead of getting out and pursuing cases and according to Masters that needs to change. All troopers should be pulling their own weight. Masters concluded that “one bad apple should not poison the whole organization.”<sup>354</sup>

The notion that all FWP troopers sat around each winter waiting for the phone to ring ignored the reality that a competent officer had to be proactive during all seasons of the year, and that the game and fisheries boards had expanded the open seasons in many different regions to the extent that multiple fisheries and game seasons occurred every day of the year throughout Alaska. After the merger, ABWE troopers had new responsibilities obtruding on their conduct of fish and wildlife enforcement duties. For example in Ketchikan, Juneau, Craig and many other posts that did not have sufficient AST personnel to cover a 24 hour shift, ABWE troopers were assigned AST on-call duties during their off-duty hours.<sup>355</sup> After the merger all ABWE troopers in statewide one-man posts, such as Petersburg and Wrangell, had to respond to all AST trooper cases including all follow-up investigations, which meant that on many occasions fish and wildlife patrols and investigations were postponed or not conducted at all.

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<sup>353</sup> Ibid.

<sup>354</sup> Ibid.

<sup>355</sup> On-call troopers have to stay near a phone, so they could respond immediately to any situation. ABWE conducted many overnight patrols by marine vessel and patrol vehicle, miles away from the post and on-call troopers have to remain near their post headquarters. When an ABWE trooper was called out to respond to a public safety emergency, he would have to complete the investigation and paperwork before commencing any patrol. This diminished the number of hours that could be spent on fish and wildlife enforcement and it severely impacted preplanned patrols. This statement was based on the experience and observation of the author who was an ABWE sergeant in Ketchikan in charge of Southern Southeast Alaska from 2000-2004.

Due to the merger Joel Hard retired, because he “could not reconcile the elimination of the FWP division, the loss of an independent director, an independent budget and the loss of the considerable progress through the years in the function and capability of FWP.”<sup>356</sup> He and many others believed that the merger trivialized the enforcement of fish and wildlife resources and allowed unscrupulous resource users to break the law with impunity. Hard said everyone in the resource business knew that FWP troopers were busy performing AST duties, and invariably some resource users capitalized on that fact.<sup>357</sup>

Many groups including the Public Safety Employees Association (PSEA, the troopers’ union), the Alaska Outdoor Council (AOC), the Alaska Trappers Association, several big game guides, retired FWP troopers, ADF&G biologists and members of the fisheries and game boards complained about the elimination of the Division of Wildlife Protection. The central complaint was that the ABWE should concentrate more on fish and wildlife enforcement than AST related duties. Ben Grussendorf, the chairman of the Board of Game, objected to the merger because “losing any natural resource officers for any length of time is a worrisome prospect and does this move mean wildlife protection will become a secondary function?”<sup>358</sup> Ron Arno, a big game guide from Wasilla, said that any cutbacks in fish and wildlife protection would “be just disaster; hunting and fishing regulations have become more complicated over time and brown shirts are essential for enforcing them.”<sup>359</sup> Don Tetzlaff, a retired deputy director of FWP in a letter

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<sup>356</sup> Ibid.

<sup>357</sup> Hard, 2011.

<sup>358</sup> Gay, 2003, 1.

<sup>359</sup> Ibid.

to the editor in a local Alaska newspaper stated that a fish and wildlife officer's job is to protect Alaska's fish and wildlife resources by preventing violations, "they need to be seen by the public, there by presenting an omnipresence."<sup>360</sup> Tetzlaff further said that the notion that there is "down time" is nonsense, fish and wildlife officers need to be on duty more during the closed seasons than during the open seasons to apprehend and deter violators.

In 2006, Patrick Valkenburg, a retired ADF&G biologist and a spokesman for the Alaska Outdoor Council (AOC), said that in the three years since the merger there had been a 24 percent decline in annual wildlife patrols, 20 percent decrease in fish and wildlife contacts, 50 percent increase in non-fish and wildlife contacts and a 75 percent increase in non-fish and wildlife warnings by ABWE troopers.<sup>361</sup>

But the most vocal and influential complaint came from the fisheries and game boards. They sent a unanimous joint resolution to Governor Murkowski about the reduction in fish and wildlife enforcement.<sup>362</sup> Board members were alarmed by the steady decrease in the level of contributions to the ADF&G fund from fish and wildlife convictions. It fell from approximately \$1.1 million in 1990 to \$51,000 in 2005, a huge drop in convictions, which indicated that ABWE was not investigating serious

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<sup>360</sup> Don Tetzlaff, "Wildlife needs more protection, not less" in a letter to the editor in the *Kenai Peninsula Online – Alaska Newspaper*, August 12, 2003.

<sup>361</sup> Patrick Valkenburg, "It's time to bring back the division of Fish and wildlife Protection." *In Alaska Outdoor Council*, 2006. <http://www.alaskaoutdoorcouncil.org/pdfs/bringBackFish&WildlifeProtection.pdf> (Accessed March 2, 2009).

<sup>362</sup> Alaska Board of Game (2006-163-BOG) and Fisheries (2006-247-FB) "2006, A Resolution Regarding Declining Fish & Wildlife Enforcement in Alaska," March 26, 2006, 1. ABWE troopers averaged a 122 percent annual increase of AST patrol and investigation time and 88 percent average annual increase in AST contacts, a 50 percent increase in AST citations while averaging a 20 percent decrease in annual ABWE contacts and an 8 percent decrease in ABWE warnings.



commercial cases.<sup>363</sup> Board members believed that fish and wildlife resources required full time protection, and this could not be done until Fish and Wildlife Protection returned to divisional status and the agency resumed recruitment of FWP Troopers.<sup>364</sup>

By the time Murkowski ran for re-election in 2006, the merger had become a volatile campaign issue in the gubernatorial primary. Both John Binkley and Sarah Palin (gubernatorial candidates) opposed the merger, and Palin charged it had resulted in “a decrease in effectiveness and wildlife management programs are suffering, obviously it’s time to reconsider Murkowski’s experiment.”<sup>365</sup>

### **Governors Palin and Parnell: Back to Divisional Status (2006 – 2011)**

In 2006, Sarah Palin easily defeated incumbent Governor Murkowski in the Republican primary and went on to win the general election. One of her campaign promises had been the reinstatement of FWP to division status in DPS. Her transition team believed the amalgamation of FWP into AST had been an effort by Murkowski to resolve a shortage of AST troopers and to promote a “more efficient use of resources,” but the merger was a “consummate failure” that threatened Alaska’s fish and game resources.<sup>366</sup> The team recommended reestablishing the FWP division within DPS, but suggested it be called Alaska Wildlife Troopers (AWT). This name was suggested by former FWP troopers to distinguish federal from state officers, because for many years

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<sup>363</sup> Ibid. During the merger the FWP statewide investigative services (SIS) was transferred into the AST criminal investigative bureau (CIB) and was assigned AST cases.

<sup>364</sup> Ibid, 3.

<sup>365</sup> Sarah Palin. News Release: “Separation of Brown Shirts and Blue Shirts to increase effectiveness of Fish & Wildlife Enforcement,” April 19, 2005.

<sup>366</sup> Ibid.

there had been a “historical confusion” between federal US Fish & Wildlife Service (USFWS) agents and state fish and wildlife enforcement officers.<sup>367</sup>

Governor Palin reinstated AWT as a separate division alongside AST, but in many respects the problems of the consolidated force remained. The AWT uniform remained blue except for a tan field uniform shirt.<sup>368</sup> The department’s main reason for this was that the blue uniform commanded respect, while the brown uniform represents an ADF&G officer who did not have full law enforcement authority.<sup>369</sup> Joe Masters, who became commissioner of DPS in 2008, stated that “perception does matter; it makes a difference to the public in how they treat you.”<sup>370</sup> A blue shirt trooper is viewed as more forceful. Masters and FWP director Joel Hard both had commented that this was particularly true in dealing with resource users in the Mat-Su Valley and with commercial fishermen in Bristol Bay.<sup>371</sup> This was primarily viewed as an officer safety resolution. In each one-man post AWT troopers continued to perform all trooper duties including AST duties.<sup>372</sup> At the police academy, the fish and wildlife enforcement curriculum was not reinstated; all trooper recruits received the same AST academy training and field officer training.<sup>373</sup> While the directors of AWT and AST select their own trooper recruits for vacancies, AWT troopers could only transfer to AWT after they had spent one full year as a member of AST. As a result, new AWT troopers have solid backgrounds in general

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<sup>367</sup> Charles Kobb, chair of the Alaska public safety transition team. “Executive Summary of the Alaska Public Safety Transition Team Report,” December 16, 2006, 9.

<sup>368</sup> Everything else including the pants, vest, jackets, etc. is the same as AST, “blue.”

<sup>369</sup> Masters, 2011.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid and Hard, 2011. Both Masters and Hard had been troopers with AST before going over to FWP.

<sup>372</sup> Gary Folger (director of the Division of Wildlife Troopers, Alaska Dept. of Public Safety), personal interview by author on February 25, 2011.

<sup>373</sup> Alaska Department of Public Safety, DPS Training Academy, “Alaska Law Enforcement Training Syllabus - Alaska State Troopers, ALET #39,” September 18, 2008.

law enforcement. However, they lack specific fish and wildlife enforcement training, meaning they must learn fish and game laws and regulations on their own time, including identification of the various species of fish and wildlife, and the methods and means of taking fish and game. Retired FWP Director Joel Hard emphatically stated that it is vitally important to have fish and wildlife training at the academy, so fish and wildlife troopers can learn to do their job properly.<sup>374</sup> Upon appointment to director of AWT, Gary Folger created and implemented the periodical distribution of electronic testing modules to assess and expand his troopers' knowledge of fish and wildlife enforcement. He also implemented a mentoring program, in which more experienced AWT troopers would work with new AWT troopers when time allows to explain the intricacies of the job.<sup>375</sup> However, this did not always work. Invariably the new AWT trooper comes over to AWT from AST during the peak of the hunting season (fall) or the peak of the commercial fishing season (spring/herring and summer/salmon) when everyone is expected to be in the field performing at their highest level. Having a new AWT trooper trying to learn the ropes during this time and having a more experience AWT trooper trying to mentor him and do his own job is extremely problematic. Instead of two troopers covering different areas, manpower is shifted to a single area, but more often than not the new AWT trooper was left alone to learn the job on his own, much like what it was during the early years of ADF&G. Either way, the resources were not adequately protected during those times because the new AWT trooper did not receive the quality of instruction in fish and wildlife enforcement that was needed to perform the job duties

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<sup>374</sup> Hard, 2011.

<sup>375</sup> Folger, 2011.

properly. Director Folger admits freely that there are some AWT troopers who are unfamiliar with fish and wildlife enforcement including identification of fish and wildlife and the various methods and means of taking fish and game.

As a result the members of the AWT still face the same dilemma that has plagued fish and wildlife enforcement in Alaska for more than 100 years; how to ensure that the men and women responsible for the protection of Alaska's natural resources have the professional training, skills, experience, and technical knowledge to adequately accomplish the job. In the past four decades the attempts by various state administrations to treat fish and wildlife enforcement as if it were like any other police matter have repeatedly failed. This failure was brought to light, due in large part to an enormous outcry from assorted natural resource users who demanded fish and wildlife resources receive proper protection as Article VIII, Section 2 of the Alaska Constitution mandates. This seems to indicate that there will always be a place for the fish cop, game warden, protection officer, wildlife trooper, brown shirt, no matter the name of the organization or the color of the uniform.

## **Conclusion**

This thesis contributes to the understanding of the development of fish and wildlife enforcement in Alaska. It emphasizes the historical evolution of fish and wildlife law enforcement from the territorial era to the present. Using traditional sources—histories written by generalists and insiders, state records and memoranda, congressional and legislative hearings, newspaper and magazine accounts. This thesis also adds personal interviews with those who had participated in the decision making and who had experienced the enforcement changes first hand. This historical examination leaves the reader with a policy question: whether the training and duties of the current fish and wildlife enforcement personnel are sufficient to satisfy the constitutional mandates of protecting fish and game resources for the benefit of sustained use for future generations of Alaskans?

Fish and wildlife enforcement has undergone a continual evolution since the passage of the 1902 of the Alaska Game Law, an act that left enforcement in the hands of existing federal marshals and other territorial law enforcement officials. In 1908, Congress authorized the governor of Alaska to appoint local game wardens, but the major shift in wildlife enforcement came in 1925 with the creation of the Alaska Game Commission, a board of Alaska residents empowered to pass wildlife regulations. These edicts would be enforced by professional game wardens employed by the U.S. Bureau of Biological Survey.

Even though the 1925 measure was a vast improvement over the previous acts, and would remain the law of the land for the next 35 years, it did not quell the criticism among Alaskans who wanted more local control. As Ernest Gruening wrote in 1954, the 1902 and 1908 acts “had been the object of almost unrelenting criticism since the first enactment of June 7, 1902,” but while the 1925 Alaska Game Law “constituted a substantial improvement of the previous inadequate Alaska game laws...it still fell short of Alaskans’ expressed desires to manage their wildlife resources.”<sup>376</sup>

With each passing year that Alaskans did not gain control over fish and wildlife, the desire to do so only grew more intense. Upon statehood in 1959 the State of Alaska finally achieved the mechanism to control its resources through Article VIII of the Alaska Constitution (the first such article in any state’s constitution) which provided the formal framework for state management and conservation (protection) of Alaska’s fish and wildlife resources.<sup>377</sup> Alaska’s fish and game code established the authority to carry out the management and preservation of Alaska’s fish and game resources through the Alaska Department of Fish and Game (ADF&G) and the boards of fisheries, game and guiding. Enforcement was placed under ADF&G, where protection officers not only ensured compliance through enforcement of fish and game regulations, but also routinely performed various scientific duties for the divisions of commercial fish, sport fish and game.

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<sup>376</sup> Ernest Gruening, *The State of Alaska*, (New York, Random House, 1954), 281.

<sup>377</sup> Jay Bergstrand “Fish and Wildlife Use and Manage in Alaska,” Commission Study No. 31, Federal-State land use Planning commission for Alaska, (733 W. Fourth Ave. Anchorage, Alaska, March 1978), 1.

In 1972, Governor William Egan transferred the enforcement division from the Department of Fish and Game to the Department of Public Safety (DPS), a move that crystallized the deep split between those who believed in the value of professional game wardens (or brown shirts) versus enforcement officers more schooled in the practices of law and order. Egan said he wanted to resolve “severe morale problems” among the Protection Division’s officers and to repair “a schism caused by trying to mix law enforcement with basic [resource] management.”<sup>378</sup> While Egan would have preferred to merge the protection officers completely with the Alaska State Troopers (AST), he was forced to compromise and leave wildlife enforcement in a separate division of DPS, the Division of Fish and Wildlife Protection (FWP).

The transfer initially incensed many FWP officers who thought it was just the latest in a long line of indignities. “Our fish and wildlife division has always been the bastard child of one agency or another,” recalled one veteran officer, “the departments trying to reinvent us in their likeness, and we not being too happy about it, wanting to retain our identity as game wardens, a distinctly unique position in worldwide law enforcement.”<sup>379</sup> The first two years under DPS were a trying time for many FWP officers; some could not reconcile themselves that this was the right move and 18 FWP officers (approximately one third of the commissioned staff) left DPS.<sup>380</sup> Yet many FWP officers endured the transition and by doing so became law enforcement professionals.

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<sup>378</sup> *Juneau Empire*, “Egan Says Transfer Will Take Months To Achieve,” March 29, 1972.

<sup>379</sup> Steve Reynolds, personal interview by author on December 16, 2010. It is to be noted that 8 protection officers interviewed by the author used the very same verbiage (“bastard children”) to describe how they were treated in ADF&G and in DPS.

<sup>380</sup> Dick Hemmen, personal interview by author on November 9, 2010. Some of those same officers returned later on, during Governor Jay Hammond’s administration (1974-1982) including Hemmen.

The consensus of the officers that remained believed that the law enforcement environment within DPS was more congenial than ADF&G to the constitutional goal of protecting Alaska's fish and wildlife resources.<sup>381</sup> Prior to the 1972 transfer, protection officers under ADF&G recognized that fish and wildlife law enforcement was a full time profession. However, they lacked professional law enforcement training, adequate pay, benefits, and recognition that they were professional law enforcement officers. The transfer to DPS provided all four elements, but it was also very problematic.

It is patently clear that the Alaska fish and wildlife trooper's role has fully evolved over the years. The fish and wildlife enforcement officer has transformed from a peace officer under ADF&G, who only enforced fish and game laws to a professionally trained trooper with the authority to enforce all state laws. Although the mission to protect fish and wildlife had not changed under DPS, public safety remains the first priority. Most importantly the fish and wildlife trooper no longer receives the same level of training and education on fish and wildlife laws and management as previously conducted. Over the years the chronic shortage of troopers needed for criminal enforcement forced previous administrations to push wildlife troopers more accustomed to dealing with natural resource users into the ranks of the state police, eventually transforming brown-shirted game wardens into blue-shirted troopers.

The current DPS Commissioner Joe Masters (2008 - 2011), who is an Alaskan Native from Dutch Harbor (a commercial fishing community), affirmed that AWT needs

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<sup>381</sup> Ken Woldstad "A Historical Narrative of Alaska's Fish and Wildlife Enforcement," Justice Practicum Paper - 6 credits (University of Alaska, Fairbanks, 1978), 46 – 47.



to ensure public safety first. Masters noted that he does not intend to water down AWT duties, but agrees that placing an AWT trooper into a position of having to enforce public safety most of the time erodes the DPS's responsibilities to protect fish and wildlife.<sup>382</sup> He said it has been his experience that if you do not put money back into fish and wildlife enforcement, it will come back to haunt you at the end. Masters concluded that he fully agrees with the premise that fish and wildlife enforcement is a full time profession and requires full time consideration.<sup>383</sup>

The current AWT Director Gary Folger (2006-2011), who is a career fish and wildlife enforcement officer and an Alaskan Native from Cantwell also agreed with the premise that fish and wildlife enforcement is a full time profession and needs full time consideration.<sup>384</sup> When the divisional status of fish and wildlife enforcement was reinstated by Governor Sara Palin, Folger essentially had to recreate a new division because the previous commissioner, William Tandeske under Governor Frank Murkowski had completely gutted all of the administrative structure of the Division of Fish and Wildlife Protection. Folger said when he took over as the director in 2006 it seemed like the division was barely crawling forward after the devastation of the previous administration. Deputy Commissioner, Ted Bachman under Commissioner Tandeske led the systematic elimination of all of the insignia and symbols of FWP.<sup>385</sup> All brown uniforms, FWP equipment decals and post signs were removed. The existence of FWP was completely erased. Folger said as of 2011, the new AWT division is up and

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<sup>382</sup> Joe Masters, personal interview by the author on February 25, 2011.

<sup>383</sup> Ibid.

<sup>384</sup> Gary Folger, personal interview by author on February 25, 2011.

<sup>385</sup> Ibid.

walking forward. Many of the procedures that FWP had benefited from in the past, such as full control of its budget at the detachment level are in the process of being restored.<sup>386</sup> Presently the working relationship between AST and AWT is healthy and is improving daily. Folger said there is genuine cooperation now (give and take) between his personnel and AST personnel. Folger said that fish and wildlife training is not perfect, but it is slowly improving. Noting that there are more than 10,000 ways to do something, Folger said he is in the process of finding out what works the best today.<sup>387</sup>

Ironically the situation in Alaska today is somewhat reminiscent of the situation back in 1902, when fish and wildlife duties had initially been relegated to under manned and over worked federal marshals. As a result of the lack of previous administrations support and the merger; the expertise, special training and knowledge long associated with enforcement of fish and wildlife regulations in Alaska has been downplayed in favor of more general law enforcement duties, and as a result the resources have suffered. “We now have many officers enforcing wildlife laws without understanding the reason for...existence [of the laws],” said Ray Tremblay, a 25-year veteran of the U.S. Fish and Wildlife Service in 2004, “and we have biologists requesting regulations that are often unenforceable.”<sup>388</sup>

While the public interest in fish and wildlife matters maybe better served by improved police procedures, these broader duties have resulted in a corresponding decline in the specialized skills and training of more traditional game wardens and

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<sup>386</sup> Ibid.

<sup>387</sup> Ibid.

<sup>388</sup> Ray Tremblay, *On Patrol: True Adventures of an Alaska Game Warden*, (Portland Oregon: Alaska Northwest Books, 2004), 223.

wildlife troopers. These broader duties and loss of specialization skills in fish and wildlife enforcement have directly reduced the actual amount of time and resources expended on the protection of the fish and wildlife resources. As the state of Alaska fiscal year (FY) 2010 governor's operating budget report on the Division of Alaska Wildlife Troopers admitted: "The division [AWT] has several troopers with little or no experience in wildlife enforcement."<sup>389</sup> Diverting attention from the needs of the resources has caused a noticeable decline in the presence of officers in the field, and limits their ability to be proactive defenders and protectors of Alaska's fish and wildlife. The vast majority of Alaska fish and wildlife enforcement officers today do not know the history of their division or the historic development of fish and game laws. The lack of career path and fish and wildlife enforcement training are symptomatic of this knowledge loss.

To develop a well trained fish and wildlife law enforcement professional, DPS needs to reinstate fish and wildlife curriculum at the academy in Sitka along with an AWT field training officer (FTO) program. DPS command needs to be more cognizant of how much time AWT actually spends on general law enforcement duties in comparison with their constitutional mandate of protecting Alaska's fish and game resources. Fish and wildlife enforcement duties need to be held in a consistent higher regard. As emphasized throughout this thesis fish and wildlife enforcement is a "full time profession" which demands undeviating consideration.

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<sup>389</sup> State of Alaska FY2010 Governor's Operating Budget: Department of Public safety, Alaska Wildlife Troopers Component Budget Summary (Juneau, Governor's Office- Department of Public Safety, December 15, 2008), 3. The FY 2009 Governor's Operating Budget report for AWT also reported that "The division has several troopers with little or no experience in wildlife enforcement."

FWP director Bob Stickles was right on point back in a 1985 *Alaska Magazine* article titled “Alaska’s Game Wardens: An Endangered Species” when he said:

If they do combine AST and FWP, the priority is going to be drunk drivers, robberies, rapes, and chasing tail lights. After a time, when the hard-core, dedicated professional game wardens in Alaska are gone, the people who are left won’t really know how to tackle the job of protecting Alaska’s fish and game.<sup>390</sup>

This enlightened prediction may soon be a reality, unless state policy makers acknowledge the importance of protecting Alaska’s fish and game resources. For a state so closely tied to its natural resources this situation is absolutely intolerable. State leaders need to reevaluate their commitment to Alaskan’s fish and wildlife resources, Alaska’s “original permanent fund.”

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<sup>390</sup> Tom Gresham and Ron Dalby, “Alaska’s Game Wardens: An Endangered Species?” *Alaska Magazine* (August, 1985), 16-17.

### Bibliography

Alaska Board of Fish and Game, "Alaska Fish and Game Progress Report: 1960-62," Report No. 12 (Juneau, 1962).

Alaska Board of Game (2006-163-BOG) and Fisheries (2006-247-FB) 2006. "A Resolution Regarding Declining Fish & Wildlife Enforcement in Alaska." March 26, 2006.

Alaska Department of Fish and Game, editing staff. *Alaska Fish Tales and Game Trails* (Nov-Dec, 1970).

Alaska Department of Fish and Game. "Fish and Game Annual Report – 1959." Report No. 11 (Juneau, 1959).

\_\_\_\_\_. In Memoriam, <http://www.adfg.alaska.gov/index.cfm?adfg=about.memorial> (accessed July 16, 2011).

\_\_\_\_\_. "Sustaining Alaska's Fisheries: Fifty Years of Statehood" Part II, "Starbound" <http://adfg.alaska.gov/pubs/50years/docs/starbound1949-1959.pdf>. (Accessed September 20, 2010).

\_\_\_\_\_. "Sustaining Alaska's Fisheries: Fifty Years of Statehood" Part III, "Taking Control," <http://www.adfg.state.ak.us/pubs/50years/docs/takecontrol1960-1969.pdf> (accessed September 20, 2010).

Alaska Department of Public Safety, Division of Fish and Wildlife Protection. "Planning and Preliminary Report for FY 1976." Anchorage: April 8, 1977.

\_\_\_\_\_. "2002 Annual Report." Anchorage: 2002.

Alaska Department of Public Safety, Division of Alaska Wildlife Troopers.  
 “Patrol Vessel Woldstad” <http://www.dps.alaska.gov/awt/woldstad.aspx> (accessed July 20, 2011).

Alaska Department of Public Safety Training Academy. “Alaska Law Enforcement Training Syllabus - Alaska State Troopers, ALET #39.” Sitka: September 18, 2008.

Alaska Governor. “Alaska Game Laws and Regulations.” Circular No. 3 issued by the Governor of Alaska, June 20, 1914.

Alaska Governor’s Office. “Alaska FY2005 Governor’s Operating Budget, Department of Public Safety ABWE office Component budget summary, 2004.” [http://www.gov.state.ak.us/omb/04\\_OMB/budget/PublicSafety/comp492.pdf](http://www.gov.state.ak.us/omb/04_OMB/budget/PublicSafety/comp492.pdf) (Accessed February 28, 2009).

\_\_\_\_\_. “State of Alaska FY2010 Governor’s Operating Budget for Department of Public Safety, Alaska Wildlife Troopers Component Budget Summary,” December 15, 2008, [http://www.gov.state.ak.us/omb/04\\_OMB/budget/PublicSafety/comp492.pdf](http://www.gov.state.ak.us/omb/04_OMB/budget/PublicSafety/comp492.pdf) (Accessed April 2, 2011).

Alaska Legislative Research, Report 05-170. “Alaska’ Fiscal History: Fiscal years 1975-2004.” Juneau: Alaska State Legislature, 2005.

Alaska Legislative Information Office, Fairbanks. “Fish and Wildlife Protection annual reports from 1959 to 2010,” 2011.

Alaska Legislative Information Office, Fairbanks. “Fish and Wildlife Protection fiscal budget figures from 1959 – 2010,” 2011.

*Anchorage Daily News*. "Committees to Hear Testimony on Game Enforcement Polices." March 22, 1972.

\_\_\_\_\_. "Noerenberg, Protection Officers Clash at Hearing." March 25, 1972.

\_\_\_\_\_. "Hearings Show Officers Have Morale Problem." March 27, 1972.

\_\_\_\_\_. "Enforcement of Game Laws Now a Public Safety Job." March 29, 1972.

\_\_\_\_\_. "Chapple: Game Protection Marriage Needs a lot of Faith." March 31, 1972.

Beattie, Kirk, H., Robert H. Giles, Jr. and Cleveland J. Cowles. "Lack of Research in Wildlife Law Enforcement," *Wildlife Society Bulletin*, Vol. 5, No. 4 (Winter), 1977.

Bergstrand, Jay. "Fish and Wildlife Use and Management in Alaska." Commission Study No. 31, Federal/State Land-use Planning Commission for Alaska. Anchorage: March 1978, 1-50.

Black, Lydia T. *Russians in Alaska: 1732 - 1867*. Fairbanks: University of Alaska Press, 2004.

Bowkett, Gerald E. *Reaching for a Star: The Final Campaign for Statehood*. Fairbanks: Epicenter Press, 1989.

Bradley, John. "Report of The Governor of Alaska to the Secretary of the Interior 1902." Washington: Government Printing Office, 1902.

Cain, Al (ADF&G trainer for deputy officers and a retired FWP officer). Phone interview and e-mail correspondence with author on September 2, 2010.

Cameron, Jenks. *The Biological Survey: Its History, Activities and Organization*. Baltimore: John Hopkins Press, 1929.

Clark, John H. "The Commercial Salmon Fishery in Alaska." *Alaska Fishery Research Bulletin*, Vol. 12, No. 1, Summer 2006. [http://www.adfg.state.ak.us/pubs/afrb / vol12\\_n1/clarv12n1.pdf](http://www.adfg.state.ak.us/pubs/afrb/vol12_n1/clarv12n1.pdf) (accessed October 30, 2010), 4.

Clark, Walter E., Governor of Alaska. "Annual Report of the Governor of Alaska on the Alaska Game Law 1912." United States Department of Agriculture, Biological Survey Circular No. 90. Washington: Government Printing Office, 1913.

Coghill, Jack (delegate to the Alaska Constitutional Convention). Personal Interview by the author on August 1, 2010.

Colt, Steve. "Salmon Fish Traps in Alaska: An Economic History Perspective," Illustration of a floating salmon trap by G.T. Sundstrom in commercial Gear of the United States, Fish and Wildlife Circular 109 (February 15, 2000, page 8), [http://www.iser.uaa .alaska edu/publications/fishrep/fishtrap.pdf](http://www.iser.uaa.alaska.edu/publications/fishrep/fishtrap.pdf) (accessed July 20, 2011).

Confucius. *The Analects*, translated by D.C. Lau. New York: Penquin Books, 1984.

Cooley, Richard A. *Politics and Conservation The Decline of the Alaska Salmon*. New York: Harper & Row, Publishers, 1963.

Courtright, Alan. "Alaska Department of Fish & Game News Letter." *Alaska Sportsman*, August 1961.



\_\_\_\_\_. "Alaska Department of Fish & Game News Letter." *Alaska Sportsman*, April 1962.

Dufresne, Frank. *My Way was North*. New York: Holt, Rinehart and Winston, 1966.

Egan, William, A., Governor. "Administrative Order #16," State of Alaska, Office of the Governor. Juneau: March 28, 1972.

Fraternal Order of Alaska State Troopers (FOAST) Museum.  
<http://www.alaskatroopermuseum.com/> (accessed July 20, 2011).

Fisher, Victor. *Alaska's Constitutional Convention*. Fairbanks: University of Alaska Press, 1975.

Folger, Gary, Colonel. (Director of the Division of Wildlife Troopers, Alaska Department of Public Safety from 2006-2011). Personal interview by author on November 13, 2009, December 2010 and February 25, 2011.

Fowler, Gary. *Anchorage Times*. "Halting Alaska Poachers: Not a Part Time Job!" March 24, 1972.

Gay, Joel. *Anchorage Daily News*. "Troopers May Merge 2 Divisions – Move Would Blend Fish and Wildlife Officers with Their Blue-Shirted Counterparts." March 31, 2003.

Graham, Edward H. *The Land and Wildlife*. New York: Oxford University Press, 1947.

Gresham, Tom and Ron Dalby. "Alaska's Game Wardens: An Endangered Species?" in *Alaska Magazine*. August, 1985.

Gross, Dan. *Anchorage Daily News*. "Enforcement of Game Laws Now a Public Safety Job." March 29, 1972.

Gruening, Ernest. *The State of Alaska*. New York: Random House, 1954.

Hammond, Jay. *Tales of Alaska's Bush Rat Governor*. Fairbanks: Epicenter Press, 1994.

Hard, Joel. Joel Hard to Rick Urion in a memo (reference DPS transition team report), 2003.

Hard, Joel (Director of the Division of Fish and Wildlife Protection, Alaska Department of Public Safety from 2000 -2002). Personal interview by author on February 26, 2011 and e-mail correspondence.

Harrison, Gordon. *Alaska's Constitution: A Citizen's Guide*, fourth edition. Juneau: Alaska Legislative Affairs Office, 2002.

Hastings, Donald. "Step Child Syndrome" in *International Game Warden Magazine* (Fall), 1984.

\_\_\_\_\_. "The International Game Warden Motto" in *International Game Warden Magazine* (Winter), 2003.

Hastings, Donald and Pat Hastings. "Enforcement in the Last Frontier," in *International Game Warden magazine* (Fall), 1984.

Hawes, Harry Barton. *Fish and Game Now or Never*. New York: D. Appleton-Century Company, 1935.

Hemmen (Dick), Richard (Employed as a protection officer/trooper/sergeant from 1968 to 1995, trained biologist and pilot). Personal interview by author on November 9, 2010.

Hornaday, William T. "Great American Animals," VI The Moose Giant of the Deer Family, in the *Youth's Companion* (1827 – 1929); June 23, 1924; 89, 24 American Periodicals series online, 394.

Hynes, Frank W. "Annual Report of the Alaska Game Commission to the Secretary of Interior, for the period of July 1, 1945 to June 30, 1946." Washington D.C.: Government Printing Office, 1946.

*Juneau Empire* "Fish, Game Dept. Braced for Gripes of Officers' Group." March 17, 1972.

\_\_\_\_\_. "Egan May Shuffle Game Enforcement Duties." March 25, 1972.

\_\_\_\_\_. "Egan Says Transfer Will Take Months To Achieve." March 29, 1972.

Klein, David R. "Wildlife Management and the Transition from Territory to Statehood." Fairbanks: UAF power point presentation to the Wildlife Society, 2008.

\_\_\_\_\_ (Alaska: federal and state biologist and UAF professor – Arctic Biology). Personal interview by author on November 18, 2010.

Kobb, Charles (Chair of the Alaska Public Safety Transition Team for Governor Palin). "Executive Summary of the Alaska Public Safety Transition Team Report." December 16, 2006.

Kvalvik, Gene. *Anchorage Daily News*, "An open letter from an angry guide." February 20, 1972.

Leopold, Aldo. *Game Management*. New York: Charles Scribner's Sons, 1948.

Lister, G.W. (British Columbia conservation officer and columnist of "The Warden's Words" in *International Game Warden Magazine*). E-mail interview by author on March 5, 2010.

\_\_\_\_\_. "The Warden's Words," column in *International Game Warden Magazine* (Winter), 2009, 4-15.

\_\_\_\_\_. "Alaska Fish and Wildlife Protection Badges and Patches collection" <http://www.moosecop.net/Displays/Alaska/> (accessed July 20, 2011).

Lively, Chad. A letter to protection officers, referencing organizing an officer's association, dated May 29, 1971.

Martin (Bill), William (President of the Alaska Fish and Game Enforcement Officer's Association formed in 1971-1972 and a senior protection officer/pilot for 7 years). Phone interview by author on September 29, 2010.

\_\_\_\_\_. Bill Martin to Governor Bill Egan, letter. February 7, 1972.

\_\_\_\_\_. Bill Martin to association members, *Alaska Fish and Game Law Enforcement Officer's Association News Letter*. March 16, 1972.

Masters (Joe), Joseph (Commissioner of Alaska Department of Public Safety from 2008 – 2011). Personal interview by author on February 25, 2011.

Matthews, Olen Paul. "Who owns Wildlife?" *Wildlife Society Bulletin*, Vol. 14, No. 4 (Winter 1986), 459-465.

McBeath, Gerald. *The Alaska State Constitution A Reference Guide*. Westport, Connecticut: Greenwood Press, 1997.

\_\_\_\_\_. "Management of the Commons for Biodiversity: Lessons from the North Pacific." *Marine Policy* 28, Elsevier: University of Alaska, Fairbanks, 2004, 523-539.

McBeath, Gerald and Thomas Morehouse. *Alaska Politics and Government*. Lincoln, Ne: University of Nebraska Press. 1994.

McBeath, G.A. and Tse-Kang Leng. "Governance of Biodiversity Conservation in China and Taiwan." Edward Elgar Publishing Limited, 2006. <http://goldmine.uaf.edu/WebCat/Images/English/Special/Link/URL2.gif> (accessed June 24, 2010).

McBeath, Jerry, Matthew Berman, Jonathan Rosenberg, and Mary F. Ehrlander. *The Political Economy of Oil in Alaska*. Boulder, Co: Lynne Rienner Publishers, 2008.

Mencius. *Mencius* translated by D.C Lau. Hong Kong: The Chinese University Press, 1984.

Mitchell, Donald Craig. *Sold American: The Story of Alaska Natives and Their Land, 1867-1959: The Army to Statehood*. Hanover: University Press of New England, 1997.

Morse, William B. "Law Enforcement – One Third of the Triangle," *Wildlife Society Bulletin*, Vol. 1, No. 1 (Spring 1973): 39-44.

\_\_\_\_\_. "Law enforcement – A Tool of Management," *Wildlife Conservation Principles and Practices*, edited by Richard D. Teague and Eugene Decker, Washington D.C.: The Wildlife Society (1979), 22-26.

\_\_\_\_\_. "Wildlife Law Enforcement, 1984" in *Western Proceedings of the Western Associations of Fish and Wildlife Agencies*, Victoria, British Columbia (July 16, 1984), 59-80.

Nash, Roderick Frazier. *Wilderness The American Mind*, fourth edition, New Haven: Yale University Press, 2001.

Naske, Clause-M. *Bob Bartlett of Alaska ... a Life in Politics*. Fairbanks: University of Alaska Press, 1979.

\_\_\_\_\_. *Ernest Gruening: Alaska's Greatest Governor*. Fairbanks: University of Alaska Press, 2004.

Naske, Claus-M. and Herman E. Slotnick. *Alaska A History of the 49th State*, second edition. Norman: University of Oklahoma, 1987.

National Oceanic and Atmospheric Administration Photo Library, Fish and Wildlife Service, Patrol Vessel Teal. [http://www.photolib.noaa.gov/htmls/ship\\_0456 .htm](http://www.photolib.noaa.gov/htmls/ship_0456.htm) (Accessed July 20, 2011).

Noerenberg, W. H. "Commissioners' Corner," *Alaska Fish Tales and Game Trails* (Nov-Dec, 1970).

Palin, Sarah, Governor. News Release: "Separation of Brown Shirts and Blue Shirts to increase effectiveness of Fish & Wildlife Enforcement." April 19, 2005.

Parks, Geo. A., Governor. "Report of the Governor of Alaska to the Secretary of the Interior 1925," Washington: Government Printing Office, 1925.

Parks, Geo. A., Governor. "Report of the Governor of Alaska to the Secretary of the Interior 1926." Washington D.C.: Government Printing Office, 1926.

Peek, James W. *A Review of Wildlife Management*. Englewood Cliffs: Prentice-Hall, 1986.

Radclyffe, C.R.E. Book cover: *Big Game Shooting in Alaska*.  
www.rowlandward.com/ (accessed July 20, 2011).

Rearden, Jim. *Alaska's Wolf Man: The 1915-55 Wilderness Adventures of Frank Glaser*. Missoula: Pictorial Histories Publishing Company, Inc., 1998.

Reynolds, Stephen. *Beyond the Killing Tree: A Journey of Discovery*. Fairbanks: Epicenter Press, 1995.

\_\_\_\_\_ (New Mexico Conservation officer, Alaska protection officer to captain and vice president of the Alaska Fish and Game Enforcement Officer's Association). E-mail interview by author and through mail correspondence from December 16, 2010 through January 6, 2011.

Rogers, George W. *Alaska in Transition: The Southeast Region*. Baltimore, Md: The John Hopkins Press, 1960.

Ross, Ken. *Pioneering Conservation in Alaska*. Boulder, Co: University Press of Colorado. 2006.

Rowland, Mark, "Articles of the Association of Alaska Fish and Game Enforcement Officer's Association," January, 26, 1972.

Schneider, Phillip W. "The Role of Enforcement in Modern Fish and Wildlife Management," *Western Section of the Wildlife Society*, 1971 ([http://www.tws-west.org/transactions/TWSWS\\_Transactions\\_directoryMar2007.htm](http://www.tws-west.org/transactions/TWSWS_Transactions_directoryMar2007.htm) (accessed April 2, 2011)).

Sherwood, Morgan. *Big Game in Alaska: A History of Wildlife and People*. Fairbanks: University of Alaska Press, 1981.

Sigler, William F. *Wildlife Law Enforcement*, Dubuque: WM.C. Brown Company Publishers, 1956.

Stewart, Buck (Protection officer and past Director of the Division of Protection, Alaska Department of Fish and Game from 1960 -1971). Personal interview by author on July 7, 2010 and through mail and e-mail correspondence through March 2011.

Strong, J.F.A., Governor. "The Alaska Game Laws," *Forest and Stream*; A Journal of Outdoor Life, Nature Study Shooting,...December 5, 1914; VOL. LXXXIII., No. 23; American Periodicals Series Online, 717.

\_\_\_\_\_. "Report of the Governor of Alaska on the Alaska Game Law – 1915." Washington D.C.: Government Printing Office, 1915.

Tandeske, Bill. "Commissioner's Comments," *The DPS Quarterly* (winter), 2003.

\_\_\_\_\_. "Commissioner's Comments," *The Quarterly, Department of Public Safety* (June), 2003.

Terhune, Hugh W. "Annual Report of the Alaska Game Commission to the Secretary of Interior, for the period of July 1, 1930 to June 30, 1931." Washington D.C.: Government Printing Office, 1931.

Tetzlaff, Donald (Protection officer and deputy Director of FWP, 1962-1986). Personal interview by author on August 4, 2010.

\_\_\_\_\_. "Wildlife Needs More Protection, Not Less" in a letter to the editor in the Kenai Peninsula Online – Alaska Newspaper, August 12, 2003.



The Grumman Goose. U.S. Fish and Wildlife Service Grumman Goose N7811.  
<http://www.wdaguy.com/goose/058-N7811.gif>. (accessed July 20, 2011).

Thompson, Dave. Alaska House Special Committee on Fisheries: A Report and Recommendations on “Alaska’s Fish and Wildlife Protection Program.” Juneau: Alaska Legislature, April 3, 1986.

Tremblay, Ray. *On Patrol: True Adventures of an Alaska Game Warden*.  
 Portland, OR: Northwest Books, 2004.

United States Department of Agriculture, Office of the Secretary. “Regulations for the Protection of game in Alaska, pertaining to the 1902 Alaska Game Act.”  
 Biological Survey Circular No. 39, August 22, 1903. 1-6.

\_\_\_\_\_. Office of the Secretary, Press Service. Press Release No.1217-24:  
 “Alaska Game Law Now under Department of Agriculture.” Released June 28, 1924.

\_\_\_\_\_. Press Release No. 770 - 25: “New Alaska Game Commission  
 Appointed by Secretary Jardine.” Released March 13, 1925.

United States Department of the Interior Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife Region 6 – Alaska. “20th Annual Report, July 1, 1958 thru December 31, 1959, Alaska Game Commission.” Fairbanks: University of Alaska, 1959.

U.S. Department of Interior, Fish and Wildlife Service, Press Release: “Frank Dufresne Retires from Federal Service,” June 20, 1950, <http://www.fws.gov/news/historic/1950/19500620.pdf> (accessed April 2, 2011).

U.S. Fish and Wildlife Service. "Origins of Federal Wildlife Laws and Enforcement – Timelines," <http://training.fws.gov/History/TimelinesLawEnforcement.html> (accessed November 24, 2010).

Valkenburg, Patrick. Alaska Outdoor Council, 2006: "It's time to bring back the division of Fish and Wildlife Protection." <http://www.alaskaoutdoorcouncil.org/pdfs/bringBackFish&WildlifeProtection.pdf> (Accessed March 2, 2009).

Williams, Gerald. *The Alaska State Troopers Golden Anniversary: 50 Years of History*. Anchorage: Alaska State Troopers Golden Anniversary Committee, 1991.

Williams, R.W., Jr. "The Game Warden of To-Day," *Forest and Stream*, July 6, 1907, 16.

Woldstad, Fred. "Law Enforcement is a Full-Time Profession" by director Fred Woldstad, Alaska Department of Public Safety, Division of Fish and Wildlife Protection, from 1975 - 1980 (no date).

\_\_\_\_\_ (Protection officer to Director of the Division of Fish and Wildlife Protection, Alaska Department of Public Safety from 1960 - 1980). Personal interviews by author in 1977 to 1978 for "A Historical Narrative of Alaska's Fish and Wildlife Enforcement," 1978.

\_\_\_\_\_. "Wildlife Law Enforcement in Transition," *Alaska Fish Tales and Game Trails* (March/April), 1971.

Woldstad, Kenneth J. "A Historical Narrative of Alaska's Fish and Wildlife Enforcement." Justice Practicum Paper - 6 credits, University of Alaska, Fairbanks, 1978.

Wolfe, Michael L. "An Historical Perspective on the European System of Wildlife Management," in *Wildlife Law Enforcement*, fourth edition, edited by William F. Sigler. Dubuque: WM.C. Brown Company Publishers, 1995.

Wood, Gordon F. "From Our Readers," in *Alaska Sportsman* (December 1985), 189.